THE COMMUNITY AND THE CORRECTIONAL PROCESS

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I THE ADULT OFFENDER

Defense Department Policy toward Former Offenders

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AS civilians considering the subject of Defense Department policy toward former offenders, and particularly as civilians who are interested in seeing that carefully selected offenders are given an opportunity to serve in the armed forces, provided they meet the other requirements of the services, I think we must be realistic and accept certain basic principles and policies that form the basis of the Defense Department's standards and procedures in the recruitment of manpower. Some of these principles and policies sound rather harsh, when bluntly stated, but the armed forces are in a harsh business. I was around the Pentagon for a long time during the last war before I could bring myself to accept certain facts of life which it is useless to try to dodge.

The fundamental fact that one must face squarely is that the function of the armed forces is to win the war, when we are at war, and to preserve the peace, when we are at peace. Within the laws passed by Congress and the directives issued by the Executive Department under the provisions of those laws, the armed forces have the right to recruit the type of manpower that will be most useful to them in the exercise of their function of winning the war or preserving the peace, and they have the right to reject ruthlessly any individuals or groups who, in their opinion, are either not qualified under their standards or

are definitely disqualified on physical, mental, or moral grounds. It is not only the right of the armed forces in their recruitment policies to reject or accept as they see fit, but also their duty to do so. In short, they have been charged with responsibility for doing a definite and difficult job, and they would be derelict in their duty if they permitted any other consideration than suitability for the job to enter into their decisions on the recruitment of manpower.

In a democracy, however, and especially in a free democracy such as ours, the situation is not quite as clear-cut and uncomplicated as what I have just said would indicate. In all the decisions with respect to manpower, even when we are involved in a war that requires us to scrape the bottom of the barrel, the question of public relations enters into the problem. Public pressure, translated into Congressional action or applied directly to the armed forces, sometimes causes them to do things which are detrimental to their best interests and in the long run, to the best interests of the public that applied that pressure.

A good example of this is the public insistence, after the end of hostilities in World War II, that enlisted men overseas be brought back home under a point system much more rapidly than was either expedient or wise. It is not a good thing for a nation to get the idea that you can turn a war off as you turn off an electric light by throwing a switch. It is not a good thing for millions of young men to get the idea that you can commit yourself to a task as enormous as the prosecution of a world war and can then walk away from the responsibilities that you have assumed as soon as the shooting war is over. This is only one of many examples that could be cited to show that there are definite limitations imposed by public opinion on the right of the armed forces, within the laws laid down by Congress, to recruit the manpower they need, either directly or through a selective service system, and to assign them to the task for which

they are needed for as long a time as they are needed.

The pressure of public opinion is usually not applied to the armed forces in as conspicuous and comprehensible a way as I have just described. It is ordinarily a much more vague and subtle thing, which the armed forces must take into account even though they cannot see it always in clear outlines. In peace time, for example, or at a time when proposals for universal military training are under consideration, the armed forces must be able to assure the mothers of America that, if their boys enter the service, they will not come in contact with other men who have been guilty of acts of moral turpitude, or have shown a predisposition to such acts, so far as the armed forces can exclude these persons from their ranks. The most understandable prima-facie evidence of moral turpitude is obviously conviction on such grounds in a court of law, whether followed by imprisonment or not. The policy of excluding persons who have convictions on their records from the armed forces in peace time probably derives more clearly from the public's idea of what kind of people it wants its boys to come in contact with in the armed forces than from the opinion of those forces as to what kind of men do and what kind do not make good soldiers, sailors and marines. As someone once said, if you have ever been convicted of assault you cannot enlist in the Marine Corps. It is safe to say that the public is responsible for this idea, not the Marines.

On the other hand, when an all-out war is on and the Selective Service System is reaching into every community and home in the country for manpower, public opinion makes a neat turnabout. The draft board is asked, "Do you mean to say you are going to take that nice young grocery clerk with a wife and children, and let that husky young fellow down in Wilkins' lumber yard stay home just because he did a little time for bootlegging once?" Needing all the manpower it can find, and with the public no longer objecting to taking people with

records and even insisting on it, the armed forces in all-out war let down the bars.

I do not mean to imply that the only reason the armed forces exclude people with criminal records, except when the chips are down and they need all the manpower they can get, is the weight of public opinion. In the first place, they have no illusions that all the people without criminal records whom they enlist or induct are saints, and their court-martial records give ample evidence that a mama's boy without a scratch on his civilian record can and frequently does commit offenses after he gets in the service that sound like the acts of a confirmed criminal. Nevertheless, at a time when the need for manpower is not so great that they must take whatever they can get, they would prefer not to have to take anyone whose civilian record indicates that he might be a liability rather than an asset to the service. The Army, for good reason, detests barracks thieves, and their counterparts in the Navy are an even greater nuisance, since it is harder to safeguard one's belongings aboard ship than it is in a barracks. None of the services is enthusiastic about embezzlers, people who may steal government property and get into the black market, or commissary clerks who are looking for kickbacks from vendors. The armed forces do not want to take chances on potential rapists, if they can spot them. And as for assault, they do not want the type of man who may be missing on the day when his outfit is going forward for an all-out assault on the enemy because he is AWOL in a city behind the lines and is busily engaged in assaulting a taxi driver with a piece of lead pipe. They are not fond of men who do most of their assaulting on noncoms instead of the enemy. While they recognize that burglary is not a violent crime and is less serious than some others, they know that a burglary committed by a member of the armed forces either in this country or abroad tends to give his service a bad name and means, moreover, that the man who does it will probably be

lost to the service by a military or civil conviction after a lot of time and money has been spent on his training.

There is nothing new or strange in this attitude, nothing peculiar to the armed forces. It is the attitude that civilian employers and the public in general have toward people with records of delinquent or criminal behavior. There are some additional factors which the armed forces have to take into account because of the nature of their task, the conditions under which their personnel live, the fact that a man may find himself on duty or on leave in a strange and distant part of the world where temptations run high and inhibitions are relaxed, and the necessity of having personnel who are willing and able to conform to a rather rigid set of rules and regulations such as the ordinary civilian industry or business does not have to establish for its employees. It would be quite unfair to charge the armed forces with having a hopelessly hidebound and relentlessly rigid attitude toward offenders. In the first place, as I have said, their attitude does not differ materially from that of the general public, and in the second place, the record of what the armed forces did during World War II with respect to inducting and recruiting people with criminal records, and also their policy with respect to their own court-martial prisoners, furnishes the best refutation of any such charge.

Army and Navy Prisoners

Let us look first at what the Army, of which the Air Force was then a part, did during World War II and immediately afterward with its military prisoners. If this record reveals an uncompromising and unbending attitude toward offenders, then facts lie. Beginning in December 1942, when the number of general court-martial prisoners had begun to increase rapidly as the size of the Army increased, rehabilitation centers were established in this country, and similar installations overseas, known

as disciplinary training centers, were established to screen and train general prisoners with a view to restoring as many as possible to duty. The Disciplinary Barracks at Fort Leavenworth and the branches that were established in various parts of the country also conducted screening and training programs with restoration to duty in view. Military prisoners who, because of the nature of their offenses, had been sentenced to federal penitentiaries and reformatories were also screened continuously and those who were deemed restorable to duty were transferred to disciplinary barracks for training. Approximately 1600 prisoners were thus transferred for restoration to duty.

From the time when the Army was mobilized in 1940 through December 1946, approximately 84,000 general prisoners passed through this careful screening and training process in one or another of the types of institutions mentioned above. In addition to this number, many men were restored to duty automatically after short-term guardhouse sentences or were restored to duty immediately after conviction and sentence by general court-martial by the reviewing authority and were sent to a combat unit. Of the 84,000 men who passed through the systematic screening and training process referred to above, which the Army organized and operated with the greatest care, about 42,000 were restored to duty. They included not only men convicted of military offenses of all types but also men convicted of practically every type of crime. The chief criterion was whether or not the man was a good risk for restoration to duty in a wartime Army. That this policy of taking carefully calculated risks was a sound one is indicated by the fact that, of the 42,000 men restored to duty, 85 per cent did not again become general prisoners. It is not claimed that they all became perfect soldiers, but the Army salvaged the equivalent of about two divisions of men who would otherwise have been thrown on the scrap-heap.

In determining whether or not a man was a good risk for restoration, a previous conviction for a civil offense or even a prison term on a felony charge was not necessarily a bar to restoration. The man's entire life history was taken into account and his civilian criminal record was considered only one part of that history, although frequently a very revealing part. Statistics are not available on what percentage of those restored to duty had known convictions in civilian life. Some statistics are available, however, on the general run of military prisoners from whom the restored group was selected. In February 1946, the War Department completed a statistical study of 24,327 general prisoners in confinement at rehabilitation centers, disciplinary barracks, and federal penal and correctional institutions during the first eight months of 1945. This study showed, among other facts, that a total of 58.6 per cent of the prisoners studied were *known* to have had at least one civil arrest for either a felony or a misdemeanor. Thirty per cent of the prisoners had at least one civilian commitment to penal and correctional institutions, jails, workhouses, institutions for juvenile delinquents, etc. A total of 10.8 per cent had at least one known civil commitment to a penitentiary or a reformatory for adults. A total of 9.6 per cent, or 2344 men, were known to have had felony commitments in civil life.

The corresponding percentages for the men restored to duty would presumably, but not necessarily, run somewhat lower than these figures. The restoration process screened out alcoholics, psychopaths, etc., as carefully as possible, and the delinquent or criminal record in many cases was a clue to basic weaknesses which made the man a poor risk. Having been closely connected with the Army's restoration program from its inception to its conclusion, I can say that those restored to duty included a very substantial number of men who had civilian convictions on their records or had been convicted by court-martial of crimes of the civil type.

The Navy restored 54,000 general court-martial prisoners to duty through its disciplinary barracks and so-called re-training commands, installations similar to the Army's rehabilitation centers. That the Navy restored a larger number of men to duty than the Army is explained by the fact that restoration for a large number of men convicted of such offenses as missing ship was almost automatic. Statistics are not available on what percentage of the Navy's general prisoners and of those restored to duty were men with records of civil convictions. It is probable that it was lower than the corresponding percentages in the Army, since the Army got more men by induction than the Navy and the inducted group contained more men with civil records than the enlisted group. The Navy's policy with respect to restoring to duty men with civilian records of delinquency or crime did not differ materially from the Army's, their screening process taking into account all known factors and records, and civilian convictions not being held as absolute bars to restoration.

The restoration policy of the Army and Navy during World War II revealed clearly what attitude these services take toward offenders within their own ranks in wartime, including those who are convicted by court-martial of offenses of the civil type. I have presented facts on this point as part of the refutation of any charge that the armed services have such a narrow-minded attitude toward persons convicted of civil offenses that they will rigidly exclude from further service any of their personnel who are convicted of civilian offenses while in the service or are discovered to have a history of such convictions in the past. Not only did both the Army and the Navy restore such men to duty in large numbers during World War II but also in World War I, although the techniques of screening were not as well known at that time and it was not done with the thoroughness and technical skill that characterized the restoration program in World War II.

Enlistment and Induction Policy

The next point worth considering for a moment is what the attitude of the armed services toward the enlistment and induction of persons with civilian records of delinquency and crime was during World War II. The policy of both services before the war had been to permit the enlistment of persons with a record of juvenile delinquency, if they seemed otherwise to be suitable material, and occasionally to permit the enlistment of persons known to have been convicted of adult misdemeanors of minor importance. With respect to felons, they were operating under a statute passed in 1877, which automatically excluded felons from being "enlisted or mustered into the military service." In 1941, the so-called Thomas Bill was passed, amending the statute of 1877 by giving the Secretary of War power, by regulations or otherwise, to permit "in special meritorious cases" the enlistment of persons convicted of felonies. This bill, however, did not affect volunteers for enlistment in the Navy.

By this time it had become apparent that the chief source of manpower for the Army at least, would be induction through the Selective Service System rather than enlistment. Changes were early made in this regulation to permit the induction of men in certain categories of civil offenders.

On April 8, 1941, the War Department issued a statement of changes in standards for the acceptance of registrants for induction in the Army. On April 19, 1941, the Selective Service System issued a statement of changes in its regulations pursuant to the War Department's action. The new regulations made eligible for military service men within the age limits of the Selective Service System who had been confined in local, state, and federal penal and correctional institutions, and offenders who had been at some time on probation or parole or had been released by the civil authorities from

such control for military service. The revised regulations excluded any registrant who had been dishonorably discharged from the armed services, or had been discharged because of undesirability or because of habits or traits of character; had been convicted of certain heinous crimes; had been convicted two or more times of any offense punishable by death or sentence of more than one year in a penitentiary or prison; was a chronic offender with pronounced criminal tendencies who had been convicted at least three times of an offense punishable by jail sentence; was on probation, parole, or conditional release, or under suspended sentence, and had not been released from that control by the civil authorities; or was found otherwise to be morally, physically, or mentally unfit by the local registration board.

Release from Civil Supervision

The seeming difficulty with respect to men on probation and parole did not present any great obstacle to civil authorities who were anxious to see otherwise qualified men enter military service. The Army's position on this point was based on the obvious fact that a man in the military service cannot at the same time be subject to the control of civilian authorities. By the same token, it would be merely empty phrases for civil authorities to claim that men were under their probation and parole supervision if they had been inducted into the Army. In the case of men who were satisfactory candidates for military service, probation and parole authorities throughout the country adopted the policy of relinquishing their control. A number of states passed legislation and others modified their regulations to expedite parole for men who would be accepted for military service and to provide for the release from parole supervision of these men. Probation policies were similarly liberalized.

Following the amendment of the old statute of 1877 by the passage of the Thomas Bill and the changes in

the Selective Service System's regulations in the light of the Army's new policy, a large number of ex-prisoners without serious delinquency records, most of them first offenders, were classified in 1-A by the Selective Service System and admitted into the Army without difficulty. Special waivers were also granted by the Adjutant General of the Army to a considerable number of men having more serious delinquent and criminal records. It was found difficult, however, to work out uniform procedures when interpretations of policies were made by so many different Selective Service boards and induction officers. To correct this situation and accelerate the induction of prisoners and ex-prisoners who were deemed to be qualified morally in spite of their records, a new program was put in operation early in 1943. Under this program a Special Institutional Selective Service Board was established for each prison and reformatory for men in the country. One member of the board was ordinarily an officer of the institution and the other two outstanding members of the community where the institution was located.

These special selective service boards proceeded with the classification of the inmate population of each institution. Those men who were classified 1-A and volunteered for induction, with exceptions which I shall note later, could then be approved by the appropriate service command for induction into the Army when discharged, conditionally released, or paroled. Men so released or paroled did not go to induction stations directly from the institutional boards. They were sent first to the board in the community where they resided or to the board in the community in which the institution was located. They were not taken to an induction station under guard and no duress was used at any point in the procedure. There was thus no basis for any claim that men were being taken out of prison and forced into the Army or that military service was being used as an alternative to imprisonment.

The exceptions to this procedure included the cases of first offenders who had been convicted of heinous crimes, but whose cases, if especially meritorious, could be submitted by local boards to the commanding general of the service command for a waiver, provided the individual had lived a law-abiding life in the community for a period of six months. Other exceptions were men with two or more convictions but not for heinous offenses, in which cases they were required to have lived a law-abiding life in the community for a period of at least ninety days. In the case of men who were already on parole or under conditional release and who were first offenders, they could be accepted without the necessity of a waiver after a thirty-day test period in the community. Parolees who had been convicted of more than one felony did not need a special waiver if they successfully completed ninety days on parole.

In the negotiations that led to the establishment of this program, James V. Bennett, Director of the United States Bureau of Prisons, played a leading role. The Selective Service System appointed an advisory board of leading civilian penologists early in the war and Selective Service officials showed a fine spirit of cooperation from the very first. While there were some difficulties that had to be ironed out with local boards and state officials, the operation of the plan was generally satisfactory to correctional officials, while Selective Service officials spoke of it with great enthusiasm. Thousands of men were inducted into the Army, over 3000 with felony records from Illinois alone.

Speaking at the Congress of Correction in October 1944, an officer representing the Selective Service System said in a prepared address, "Men paroled for service into the armed forces and the men with felony records who have entered the armed forces have made good. The instances in which men of this type have been dishonorably discharged are no greater than the average. Similarly, many of these men have been ad-

vanced in grade and have been cited for bravery in combat. Some have made the supreme sacrifice for their country. In all respects they have performed in an admirable fashion. The fears that they would be in frequent difficulties requiring disciplinary action have not proved to be well founded, and the record is one to stimulate efforts towards granting an opportunity for rehabilitation through service to as many men as possible whose institutional record and past history seem to justify the granting of such an opportunity."

Peace-time Policy

After the war the armed services reverted to their peace-time policy of prohibiting the recruitment of felons and, somewhat less rigidly, of persons with a misdemeanor or juvenile delinquency record. The Selective Service System bases its regulations on the policies of the armed forces, since a person can only be inducted if he is "acceptable to the armed forces." At the present time the Army and the Air Force are the only services which take men through the draft, and their regulations therefore govern the current induction of felons.

The laws controlling the present procedures and practices of Selective Service are contained in the "Selective Service Act of 1948, as Amended." (This covers amendments up to 17 November, 1950.) This act contains three sections which relate to the induction of felons. Section 4 (a) states that "No person shall be inducted for training and service under this title unless and until he is acceptable to the armed forces for such training and service and his physical and mental fitness for such training and service has been satisfactorily determined under standards prescribed by the Secretary of Defense or the Secretary of the Treasury." Section 6 (h) states that "The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this title in

the armed forces of the United States . . . (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective." Section 6 (m) states that "No person shall be relieved from training and service under this title by reason of conviction of a criminal offense, except where the offense of which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year."

Current standards governing the induction of felons into the armed forces are contained in Special Regulations No. 615-180-1, issued 27 April, 1950. These regulations have had the effect of excluding felons unless a waiver is obtained from the department concerned. Paragraph 10 d (1) reads as follows: "A Registrant who has been convicted by a civil court, or who has a record of adjudication by a juvenile court adverse to him, for any offense punishable by death or imprisonment for a term exceeding 1 year, is morally unacceptable for service in the armed forces unless such disqualification is waived *by the respective Department.*"

These Selective Service regulations provide further that persons with a less serious delinquency or crime record than the above but a history of antisocial behavior, alcoholism, drug addiction, sexual misconduct, etc., are unacceptable, but that the commanding general of each army may waive this disqualification for induction after complete investigation. Men who have criminal charges filed and pending against them, but as an alternative to legal action are granted by a court release from the charge on the condition that they apply and are accepted for induction to the armed forces, are unacceptable. Men on parole or on probation from any civil court, or on conditional release from any term of confinement are unacceptable. Men who are ineligible for induction under these regulations are placed in Class IV-F.

The minds of Defense Department officials are not closed to the possible necessity of again liberalizing enlistment and induction policies if the need for manpower

in the armed forces becomes imperative. The Personnel Policy Board of the Department of Defense, and particularly its Working Group for Human Behavior under Conditions of Military Service, is familiar with the extent to which men with delinquent and criminal records were admitted to the armed forces during World War II and are attempting to make a realistic appraisal of the success of this plan.

A study which will have great significance not only for Illinois but for the whole country has been launched by professor Joseph D. Lohman, chairman of the Illinois Division of Correction. In June 1950, following our entry into the Korean war, the question of the possible induction of parolees and others with criminal records became once more a matter of great interest. Professor Lohman, after a preliminary check disclosed the fact that the vast majority of the more than 3000 parolees from Illinois who were inducted into the service during World War II had not violated their paroles, decided to undertake an exhaustive study with a view to obtaining complete data on the actual adjustment of parolees in the armed forces and their post-service adjustment to civil life; to evaluating the screening criteria employed in the selection of these men in relation to their actual adjustment in the service; and to exploring the possibility of developing new screening procedures and objective prediction devices similar to those now used in predicting the adjustment of parolees to civil life in Illinois. It was the hope of the Illinois Division of Correction that the results flowing from such a study would provide a solid foundation for the reexamination of current policy and the formulation of new policies and procedures which would permit even selection practices for the nation as a whole, and would insure the selection of men with felony records if they were able to meet uniformly high standards of selection.

The study was approved by the state director of Selective Service and by General Hershey. Financial sup-

port was obtained from a foundation. The project was then discussed with the director of the staff of the Personnel Policy Board of the Department of Defense, who approved the study enthusiastically and suggested that it be conducted in connection with the Working Group for Human Behavior under Conditions of Military Service. The study is now well under way. Statistical information is being obtained on all of the 3000 Illinois men paroled to the armed forces, through the Adjutant General of the Army, the files of the Illinois Division of Correction, the FBI, and other sources. This information is being processed on punch cards. In addition to this statistical treatment of data, intensive follow-up interviews are being held with a representative sample of 500 parolees who were accepted in the armed forces. These interviews are expected to provide a detailed picture of the way in which the parolee adjusted to the armed services and in later civilian life, the typical problems they encountered, and the principal factors influencing their success or failure.

Professor Lohman believes that this study will develop a screening instrument which would make it possible to select out of the total felony group those individuals who have the maximum chance of successful adjustment to military service. This could be related to the number of men required by the armed forces at any given time. Various classes of acceptability may be set up so that men can be drawn from the most acceptable categories first and from the other classes as the pressure of manpower needs may require. He is convinced that upwards of 400,000 men are involved in one way or another, and that a sizeable number of these can be added to the armed forces' manpower pool.

The Illinois study, it seems to me, points the way to the approach we must take to the problem of bringing about the acceptance of men with delinquent and criminal records for service in the armed forces in ordinary times as well as during an all-out war, and especially at a

time like this when the need for manpower is great but not critical. It is not enough for us to say to the armed forces, "Our life-long professional experience and the history of both world wars have clearly demonstrated that men who have been or are now on probation, in penal and correctional institutions, or on parole constitute a huge reservoir of potential manpower from which many men who could render useful and honorable service in the armed forces could be drawn. Why do you not tap this reservoir, if for no other reason than that every man drawn from it, and eager to be drawn, would make it unnecessary to take some student or some young married man who, for all his patriotism, does not want to go unless he absolutely has to? You do not need to wait to take these men until you are scraping the bottom of the barrel, for many of them are not at the bottom. On the basis of ability to serve satisfactorily in the armed forces, more than you realize are close to the top."

If we say that, the armed forces have a right to say in answer, "That is undoubtedly very true, but don't make a blanket request to us that we accept your probationers, prisoners, and parolees for military service, or even that we liberalize our regulations in less critical times to the extent that we did in World War II. We are certainly not going to be able to take all of them, and if we are going to take any, we need your help in working out some criteria of selection. What do all your classification programs and other study and diagnostic procedures reveal about the types of men who would be the best risks for military service? What do your probation files reveal about the men whom we accepted from you in World War II? What does experience indicate to be the best method of selection from your end and recruitment from ours? What factors seem to have significant weight influencing their success or failure? In short, we think that your request should be that we accept your men on a carefully selec-

tive basis, and that you should submit for our consideration data based on past experience and recommendations of what seem to you sound and workable criteria."

The truth we must face honestly is that, nearly six years after the end of the war, we do not have such data and are in no position to make recommendations except on guesswork. I think it is time we all went to work on it, as Illinois is doing. If a half-dozen of the leading probation departments of the country and a dozen or so of our best prison and parole systems would make an intensive study, their findings would give us enough to go on for the time being. Some states, moreover, which by new legislation or administrative action practically threw the gates of their prisons open to release a flood of parolees for possible military service, should not only do some thorough study but some humble soul-searching and ask themselves if it would not be a little better for all concerned to be more discriminating the next time.

The chief thing I learned from my experience in the two world wars, in both of which I helped restore thousands of men to duty, is that thorough screening is an absolute essential in the recruitment of men for military service, whether they have criminal records or not. The will to succeed, the desire to serve one's country, no matter how earnest and patriotic one may be, are not a sufficient guarantee of success in military service. In the long haul of a protracted war, especially under the pressures and tensions of combat and of service in god-forsaken parts of the world, a high degree of stability and moral stamina is needed. In World War I we did a poor job of screening but, at least with the naval prisoners whom we restored to duty, developed a sufficiently high morale to carry even some rather weak men through a short war. In World War II, by using much more thorough and ruthless screening processes, we selected and restored men who lasted through a long and high-pressure war. That is the way to do it in peace time,

during a war such as we are in now, and in an all-out war.

Let me make it clear that it is my opinion that the armed forces should liberalize their recruitment policies with respect to civilian offenders. I believe it would serve their best interests and those of the country as a whole if they did so, and that it could be done safely and satisfactorily. But I firmly believe also that they should not liberalize their policies without establishing a thorough screening process based on sound criteria. They should properly look to us for the data and recommendations on which they can base those criteria. Our task now is to provide this material. The Defense Department and the Selective Service System have shown clearly that they are ready to cooperate with civilian authorities in working out systematic methods of selecting and recruiting those offenders who are capable of performing satisfactory service in the armed forces. They will insist, and we should also, that these methods be realistic, not based on wishful thinking, that they be discriminating, not haphazard, that the determining factor in every decision be whether or not the individual under consideration will be a liability or an asset to the service he enters. Under no other principle of recruitment can the armed forces of a nation preserve a peace or win a war.

Service for the Short-termer[1]

G. Richard Bacon
Executive Secretary, Prisoners' Aid Society of Delaware

THE short-termer has been the subject of ridicule, pity, disgust, and despair. We all know the case of "Old Bill," who has spent most of his life in jail. He is again in the "clink"—he'll just never learn and we guess there isn't anything we can do about it. It is obvious, too, that we haven't learned the futility of this practice of just locking a man up for a few days or a month or two. It is said that the whole system must be changed before anything worth while can be accomplished. No doubt something much more effective than the county jail can and will be developed, but for some time to come we are going to have a vast number of minor offenders without any really adequate program for them.

Unquestionably there is a growing interest in services for the minor offender. The September 1951 issue of *Focus,* in reporting NPPA progress, noted the creation by the trustees of a judicial council which will serve as an advisory body to the Association. It was reported that their probable initial project would relate to the need for adequate services in the lower courts. Another example of this interest in the short-term offender is the recent inception of extensive casework services by the Pennsylvania Prison Society at the Philadelphia House of Correction.

Statistics on recidivism indicate that the short-termer, the minor offender serving a jail sentence or on probation or parole for less than a year, has problems with which he needs help just as surely as does the man serving five or twenty years. The content of the problems may differ, but the needs are in many respects the same.

The International Penal and Penitentiary Congress

[1]Paper given at the Congress of Correction, 1951

went on record to the effect that "short-term imprisonment presents serious inconvenience from a social, economic and domestic point of view," that "the conditional sentence is without doubt one of the most effective alternatives to short-term imprisonment," and that probation is one of the solutions much to be recommended. The resolution concludes that "in exceptional cases when a short-term imprisonment is pronounced, it should be served in conditions to minimize the possibility of recidivism."

Condemnation of the all too frequent indiscriminate use of short-term imprisonment carries the implication that the short prison sentence is bad per se. Let us not concede this until we have given the short sentence a fair trial under optimum conditions as we know them or as we could develop them on the basis of present knowledge. Little has been done in fortifying the short sentence with the best training, treatment, counseling, and parole services that are now used in conjunction with programs for offenders serving longer periods.

This paper, though concerned chiefly with the jailed offender, will not deal in any detail with institutional training programs which may have special merit in helping short-term offenders other than to state what is surely the unanimous opinion that there should be work and training opportunities for all prisoners who can make use of them. It is conceded that progress in such a program is difficult for the one to three or six months trainee. Counseling can be of help in even a brief period, although it is of less value when it appears as the only service offered. The prisoner or probationer who has been able in the course of a few interviews to make a start toward becoming a more responsible citizen has gained some strength in the process.

It is not difficult to see how we fail to use our experience to the best advantage in dealing with the minor offender. Let us take for instance the use of probation at the level of the magistrate's court. We have only

begun to apply it even in jurisdictions where facilities have been established. In one eastern state where magistrates may order probation under the state system, there were at the end of last year only 50 cases on probation out of a total of 1691 carried by the state probation department, and these few had been placed under supervision principally to insure installment payment of fines. In one of our large cities magistrates would place many more on probation if the services were available. Often the judge decides in favor of a jail sentence because the excessive case loads of the probation department mean virtually no supervision.

The magnitude of the problem is difficult to ascertain. There are no national figures on the population of county jails, workhouses, and houses of correction. In Delaware the situation is unique in that all adult commitments, regardless of the length of term, are made to the respective county institutions. At the New Castle County Workhouse, the average daily population is 330, of which half are confined for less than one year. However, in the course of a year, a total of slightly over 2000 are admitted, of which 5 per cent are sentenced to one year or more, 17 per cent are held for court hearing, and the remaining 78 per cent serve less than one year. The total burden of providing services for the short-termers is obviously greater than for the long-term prisoners. Twelve thirty-day prisoners require more services than one man serving a one-year term.

Some form of short-term disposition, including incarceration, may be the best prescription for certain offenders. New Jersey is exploring the use of short institutional treatment for youthful offenders at Highfields. They have organized a four-month institutional program which attempts to accomplish, with selected cases, results requiring fifteen to eighteen months under a conventional reformatory system. The schedule involves intensive individualized treatment and group therapy. The project is organized on the premise that many youth-

ful offenders need a continuous, informal, easy, learning experience in a social world characterized by security, flexibility and the absence of punitive or counter-aggressive attitudes. The effectiveness of this program, now in its second year, is being continually evaluated by an independent agency.

A study of minor offenders in the Family Court of New Castle county showed that the court's tendency to use probation wherever possible instead of commitment, and to shorten the probation period from an average of ten months to an average of seven months, resulted in less recidivism.

Special Problems of the Short-term Inmate

Recent supreme court decisions have made it much easier for indigent defendants to secure court-appointed counsel when faced with serious charges. However, counsel for the indigent minor offender is almost nonexistent.

We hear concern expressed for the welfare of long-term prisoners released in a prison-made suit with a railroad ticket home and a ten dollar gratuity. Consider the situation of most short-term prisoners released from county or city institutions for whom there is no provision even for a gratuity, for transportation, or for clothing. The man committed in late summer in his shirt sleeves may be discharged in midwinter in the same clothing, unless he can borrow a coat from another prisoner or unless the discharging officer has managed to collect an assortment of discarded clothing from which he can make a selection. The prisoner discharged under these circumstances starts out with a real handicap.

Nor does the released short-termer often have cash in hand to cover immediate needs. Not only has he had less time to accumulate money, but in most institutions he has had no opportunity to earn any. At our workhouse, prisoners may earn from ten cents to fifty cents a day after they have served four months—a limit set because of insufficient funds to pay everyone. A

spot study of discharges in 1951 showed that 54 per cent of the prisoners had less than one dollar in their pockets on release, and 29 per cent had more than one dollar but less than five.

The so-called petty offender is commonly considered a shiftless person, not worthy of attention. The employing public is often less willing to take a chance with the minor offender than with the serious one, and perhaps justifiably so on the ground of recidivism. The Uniform Crime Reports show that vagrancy, drunkenness, and narcotic drug offenses are at the top of the list of arrests of offenders with previous fingerprint records. Many short-term inmates are not good employment risks. One of the reasons that they get into minor difficulties is their lack of sustained work experience. The fact that their services are not in much demand means that they are the more in need of help from a service agency.

Preparation for Release

Increasing emphasis is being placed in this country on preparation for release of state and federal prisoners. The *Handbook on Pre-release Preparation in Correctional Institutions,* published last year by the American Prison Association's Committee on Classification and Casework, is a comprehensive treatise known to most of us. But when parole supervision is not even contemplated, there is little thought of preparation for release.

The requirement that the offender have a definite parole plan including a home, employment, and in some instances a sponsor, can add value to a prison experience. For here, in most instances at least, he must put something of himself into the planning process. If he is skilfully aided, he is obliged to see himself in relation to people and situations outside. His participation in an acceptable parole plan is a sign of progress. The fact that in most jurisdictions the short-term offender is not eligible for parole means that most minor offenders do

not have the benefit of this process, do not have a pre-arranged living plan at the time of release and have no supervision following discharge from the institution.

Effective Service Hampered

A short sentence is often interpreted by the recipient to mean that his offense was not serious, that there is no real trouble, that he was merely unlucky and that he does not need help other than perhaps a little material aid. His partner in crime may have been able to pay the fine and costs assessed so he has returned to his job. Thus the less fortunate offender may see himself as especially singled out by ill fate. His bitterness taints his attitude toward ever widening portions of society. It is in dealing with this attitude of resentment that the service agency may have its opportunity to help. If the embittered prisoner is willing to discuss it, if he feels uncomfortable with it, he may be helped to accept his responsibility for what he did and in so doing temper his animosity and narrow it to a more reasonable limit.

The lack of time to get prisoners who are serving short terms into work and training courses is obviously one of the inherent difficulties in providing effective services. The generally accepted period for isolation, study and classification is a month, and good time allowances may require serving only twenty-five days for a month, so there remain four months of a six months sentence for work or training. This time may seem short, but it is long to a man locked up in idleness.

Another difficulty in the shortness of time is that the offender has trouble getting his problem to a service agency. This puts upon that agency the responsibility of being more frequently accessible. Furthermore, there is often the necessity for immediate agency action to assure completion of arrangements before expiration of the sentence, a factor which affects the operation of the agency as a whole. An added difficulty is the geographical range of homes and families of prisoners. Lack

of cooperation will also hamper effective service when, for instance, the sheriff, warden, or superintendent considers service to prisoners meddling or pampering. Prisoners wanting help will then have difficulty in making their needs known. Often, indeed, legitimate needs of prisoners cannot be met because of inflexible rules or arbitrary decisions. On the other hand, cooperative administrators with sympathetic understanding will themselves refer to the agency prisoners needing help.

Factors Conducive to Effective Service

Shortness of sentence establishes a time limit within which the offender must function if he is to do anything at all about his problem. Whereas the long-term inmate or probationer may postpone making a start toward changes in himself, the short-termer cannot procrastinate. With help he realizes that he must act quickly, that he cannot get rid of *all* his troubles in a short time, and that the reasonable thing to do is to make a start on one or two of his most pressing problems.

Compared to the long-termer, the jail prisoner sustains only a minor break in his community ties. Domestic problems of the short-termer tend to be simpler. The question of whether or not his wife will wait for him does not usually arise. But few employees who leave their jobs as abruptly as most offenders at the time of arrest can depend on reinstatement, although the shorter the term of imprisonment, the more likely it is that the vacancy created by his arrest will not be filled before his release. Our experience has been that the ten-day or not infrequently the thirty-day man with a good work history can be reinstated.

Release

Release from prison or discharge from probation or parole should occur when the offender has progressed and is ready for it, when further incarceration or supervision not only will not benefit him but may affect him

adversely. This time is usually best for the community too.

In New Castle county, Delaware, two lower courts, both dealing with misdemeanants—the Municipal Court of Wilmington and the Family Court of county jurisdiction—have worked out practices of release with some of the advantages of the indeterminate sentence. A case from the Family Court will serve as an illustration.

> Mrs. R. appealed to the court for help in securing support for herself and three children. Her husband had left her three months before and was living with a relative. A voluntary support agreement was effective for a short time. The breakdown of this arrangement resulted in a court hearing and a formal order of support. One year later Mr. R. began missing payments. A probation officer endeavored to help him meet his obligations but he failed to keep appointments and his arrearages mounted till sentence to the workhouse for six month was found necessary.
>
> Five weeks after his commitment he requested an interview with the Prisoners' Aid Society representative. The judge had told him that when he made up his mind to obey the court's order his case would be reconsidered. He had done a lot of thinking since he had been locked up although he was still angry about his wife's neglect of the children. His uncle, who had visited the jail, was sure he could get a job for him and promised board and lodging for a couple of weeks at least. Mr. R. agreed readily to a wage assignment for his family.
>
> Mrs. R. came to the office of the society in response to a letter. She had no objection to her husband's release if the court thought it wise, but she did not want him home, at least not for a while. Things were just beginning to straighten out for her, despite the hardship of living on a relief grant.

Mr. R.'s drinking and an affair with another woman had broken up their home, she said.

Mr. R. received a letter from his wife about the children and came to feel less bitter toward her as he faced his own failures more frankly. After interviews with him during the next three weeks, we came to the conclusion that the chances of his living up to his agreement were good but might decrease with continuing incarceration.

A report was submitted to the court, suggesting reconsideration of the case. In court a few days later, the plan was reviewed, and the husband's determination to comply with the court order was reaffirmed. Six weeks later, with the consent of his wife, and after consultation with the probation officer, he was reunited with his family. Now, after another five months, he seems to be a more stable, mature person than at any time since he first came to the court.

Perhaps the most important element of the procedure here illustrated is the court's use of prison as one phase of its treatment program. True, it may be used as a last resort, but it is not a final step in the court process. When the court is convinced that incarceration has had sufficient beneficial effect, the man returns to the direct supervision of the court for continuing treatment.

Establishing Intake Limits

What practical limitations can be established to facilitate screening the vast number of applicants who flock with requests for all types of help, when a casework service has been established? At least one agency which is attempting to give service in a large municipal institution for short-termers is experimenting with posted notices designed to inform inmates of the kind of problems their agency can deal with and those which should be referred to another specified agency.

The rendering of service should not always wait for a request from the prisoner. Frequently he does not know of the available services. There are innumerable reasons why he may not ask for help, yet the jail or court official, relative or employer may suggest a service on the offender's behalf. Sometimes for the sake of simple humanity and fundamental justice, service should be rendered without the expressed desire of the recipient. Henry W., for instance, was to complete his thirty-day term for disorderly conduct in three more days. He was interviewed in an infirmary bed at the request of a guard who felt that this sixty-eight year old man recovering from a virus infection would need help when released. He had mentioned that he had no resources. When interviewed, the man expressed confidence that he could manage on his own somehow as he had always done in the past, but his vagueness and apparent slight confusion raised doubts in our minds. The doctor advised ample rest and nominal oversight for at least a week after release. We arranged temporary accommodations in a small boarding home, then told Henry of the doctor's advice and of available facilities. When released, he made use of the proffered help, was found to be in an increasingly confused state of mind and finally expressed a desire for admission to the State Welfare Home. Within a day his admission was approved and transportation arranged.

Should an applicant be given help when he requests it but indicates quite unmistakably that he is not going to use the help in a constructive manner, in fact may use it in a destructive manner? If the requested service involves a fundamental right granted him by law, such as a correction in his sentence to grant him an early release, it is not to be denied him despite our conviction that he is a dangerous man to be at liberty. However, in agreeing to help him attain his fundamental right, we are bound by our responsibility to the community to take whatever steps are necessary to prevent his

future depredations and to advise him what steps are being taken and why. It then may be possible to help him further. If he is treated with fairness and justice, he is more likely to try to govern his conduct accordingly.

There is no fundamental difference between providing services for short- and for long-term offenders. The untried have problems, too, whether they be innocent or guilty. In addition to having most of the problems which may face the short- or long-term sentenced prisoner, the man in jail because he cannot raise bail may also need to secure counsel or advice on plea.

We shall not see clearly the task of aiding the short-term inmate until we recognize that all offenders at all stages of their plight require treatment, not just custody or restrictive oversight and that treatment involves a wide variety of skilled services.

Extending Adult Probation Services to All Communities

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THE prospect of interplanetary travel now looms before us and differences of opinion have already arisen as to how long it will take to reach a planet after leaving the earth. The public has been so conditioned to accept the miracles of natural science that it does not reject the idea of interplanetary travel as preposterous but believes it is just a generation or so around the corner. Will we get to Mars or Jupiter or the moon before we solve the problem of crime in this country? Very probably so, and perhaps even before we have developed a complete and adequate treatment program for our social deviates. Sometimes it looks as though we will be lucky to anticipate the space travelers just to the extent of probation service for every court in the land.

Our "destination-probation" for every community may be far beyond our correctional horizon unless we can find some process for speeding up the expansion of services by developing more probation agencies, expanding existing probation agencies to include broader coverage, or by adding the functions of probation to established governmental agencies performing a related social service.

But to chart an effective course we need to know how much farther we have to go. How far have we come? By 1903 when the Wright brothers were hurling man into the air for the first time in a power driven airplane, five states had made provision for adult probation. At the present time four states[1] still have no sta-

[1]Mississippi, New Mexico, Oklahoma, South Dakota

tutory reference to probation, and if we add the states which have probation in name only, or have but a token case load, there are still eighteen states with little or no probation service.

Evaluation of probation services is one of the functions of the National Probation and Parole Association. Through its field staff and their special studies, the status of probation is being constantly appraised. Though adult probation is in a continual process of development, the profile of its present status reveals not only partial or even fragmentary coverage, but is often characterized by heavy case loads carried by underpaid, semi-skilled personnel, appointed without regard to merit or tenure, operating in a restricted or apathetic judicial atmosphere and with little community interest or concern.

Quoting from a recent midwestern statewide survey: "More than half of the adults on probation were in five of the 92 counties and many were inactive or 'dead' cases. Many adults have been placed on probation mainly or altogether for the collection of fines or support payments. In many courts what is called 'probation' actually amounts to little more than suspension of sentence because there are no presentence investigations, no case analyses or planning, little supervision and insufficient records."

In another midwestern state with perhaps the highest development of statewide services, with merit appointed personnel averaging 15.44 years of education, it was found that 40 per cent more personnel were needed, presentence investigations were made in very few cases, and probation was on a service and surveillance rather than a treatment level.

In one of our most progressive far western states, correctionally speaking, where adult probation is locally administered by 59 separate departments, a recent survey revealed that great inconsistencies of service exist between one county and another, the better departments

being in the most populous counties. An acute staff shortage was evident in most departments and adequate probation services were found nowhere.

The total adult case load in one southern state having only a statewide probation service is less than 150 and in another less than 400. (However, it can be said for the latter that its case load has doubled during the past two years.) Indeed it is doubtful that adult probation has been developed to its full potential of service anywhere, though well-advanced programs are to be found in a few cities and counties. Poor practice should not be multiplied but coverage should be extended according to standards derived from our best experience. The following are suggested as the essentials of a good system:

1. Appointment of qualified staff on a merit basis
2. Sufficient personnel to carry the case load
3. Adequate salaries to attract and retain qualified staff
4. Opportunity for staff development and training through educational leaves and continuous in-service training
5. Administrative policies which encourage full utilization of other community services and resources
6. Availability of specialized medical, psychological and psychiatric services
7. Statutory provisions which permit full use of probation without arbitrary limitations as to eligibility and length of probation
8. Comprehensive diagnostic presentence investigations as a fundamental part of the sentencing process regardless of anticipated disposition
9. A favorable judicial climate which encourages the highest potential of helpful service.

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We really do not know how many persons are engaged in this branch of correctional work, but if we

make fractional allowances for those devoting part time only to adult cases where parole or juvenile cases are also included, there are about 2000 probation officers working with individuals coming before the criminal courts of the country.

Our manpower needs call for enough probation officers to investigate about 785,000 cases each year. If we accept the idea that every person before the criminal courts should be given a presentence investigation as a routine part of the sentencing process and if at least 50 per cent of those convicted are supervised on probation (though some communities and states place a higher percentage of persons on probation), we need around 20,000 officers. This is based on the accepted standard of fifteen investigations or fifty cases under supervision monthly as a work load for one officer, and on an average two year period of active supervision.

This estimate does not consider the manpower needs of the lower courts as no standards have yet been established for work loads with misdemeanants. To bring probation service to all the criminal courts in the country would require about the same number of people as one reinforced army division. It would cost less to employ and equip than 1 per cent of the U. S. Attorney General's estimate of the twenty billion dollar crime bill. What a war against crime that division could wage!

Certain states have developed an administrative framework which anticipates the extension of probation service to all communities. This is the aspiration of the state systems patterned after the NPPA Standard Act, which combines the administration of probation and parole, and of those states which provide independent state probation agencies or make probation a function of a state welfare department or department of corrections. This trend is recent; in most of the sixteen states where all or most probation services are financed by the state, probation had either not been previously authorized or local services had failed to develop.

In the south with only six county departments in the eleven-state southern region of NPPA, the state administered system is usual and though sometimes very limited, it represents the increasing sense of social responsibility so characteristic of the "new South." Indeed, several southern statewide programs rank with the nation's older and more experienced ones. Even in New England where the tradition of home rule is most fiercely defended, three states have found the state-administered plan to be the only practical solution to the problem of reaching all communities.

The advantages lie in its potential to develop uniform standards and the opportunity to provide basic services regardless of the financial wellbeing of parts of the state. In functions such as personnel selection, supervision of field work, in-service training, collection of statistics, research, interpretation to the public, and development of supplementary and supportive resources, the advantages of central organization are obvious. The disadvantage, especially when probation is linked with parole or other services is that sometimes probation becomes a secondary function. However if, as in the California parole system, additional staff is authorized, the extension of probation could follow closely the demands for service. In California the formula divides the total number of officers into the total number of active cases under supervision. When the count exceeds an average of sixty, an additional officer is authorized.

Another disadvantage of the state system is that it may inhibit the development of county services in urban centers, where state services may not be sufficient and establishment of local agencies should be encouraged. However, the state agency should establish personnel standards and retain supervision of administrative practices.

In states where probation has developed only on a local basis, it is unrealistic to expect that services will or can be provided by each county, especially where a

large number of counties range widely in population. Consolidation may be possible for a few counties but state coverage is remote unless some state supervision and direction is available. Several state systems extend services to rural areas without affecting the status of already existing county departments. However, state subsidy plans as set up in at least one state for adult probation and one for juvenile probation have some possibilities. Michigan in 1947 provided grants-in-aid in such amounts and under such conditions as the commissioner of corrections may determine, available to any county unable to maintain its probation program according to standards set by the Division of Pardons, Paroles and Probation. In Virginia the state pays one-half the salary of juvenile probation officers employed on the local level while retaining authority to certify personnel for appointment and to supervise and furnish in-service training. However, even this "pump priming" has failed to answer the needs of juvenile services in that state.

Aside from the state-administered systems, ten states exercise supervision of local adult probation in varying degrees. The opportunity to raise standards and extend services is limited by the extent of authority and the skill exercised. Some departments are charged with collecting information, making reports, preparing forms, etc., and are authorized in general to work for improvement of the service. Others conduct competitive examinations and establish lists from which all probation officers are appointed, and regulate methods of procedure for investigations, casework, record keeping and accounting. One operates a central index of cases coming before the courts. Six have general supervision of probation officers.

The particular state agency charged with these responsibilities varies from state to state. It may be the parole board, the department of corrections or welfare department, or a commissioner or state director. Such agen-

cies may provide leadership in furthering probation both in quality and quantity. If their efforts could be strengthened and funds provided for subsidies and grants-in-aid to local departments, and if in addition they can furnish direct services to those counties which fail to take advantage of the subsidy, the process of upgrading probation could be accelerated. Whatever means is found to extend services will naturally conform to the framework of state government and will be tailored to the dimensions of its established patterns. But responsibility must be pinned down at the state level.

Our efforts to assist government can be directed through various channels of our special knowledge and experience. The most effective and natural means for achieving results in our democratic society is the process of group planning and community organization. New avenues to legislation when needed to provide basic statutes or to secure amendments or appropriations are now provided in many states through legislative councils and various state committees and commissions which have either a specific or a related interest in probation. Objective fact gathering and an opportunity for presenting the facts before the legislature can be their responsibility.

Many such councils and commissions have full time staffs with statisticians and research personnel and funds ranging from a nominal sum for travel to one with a budget of over $100,000. The Council of State Governments in a publication titled "Progress Report on State Reorganization in 1950," published last June, lists twenty-four states in which comprehensive studies of state reorganization are either completed or under way. Legislatures in ten states have authorized special commissions, seven have established interim committees and five have charged legislative councils with responsibility. Three governors, acting independently, have established committees or commissions. The Council of State Governments estimates that at least

one million dollars will be spent in the next two years on surveys by these governmental study groups.

The southern NPPA representative has had contacts with several such groups. For example in Oklahoma, where probation is limited to only two counties, the Legislative Council has been instructed to survey the problem and to submit a practicable method to extend probation to the whole state. Although this will be but one of many studies undertaken by this particular council, its record of achievement is very good, the legislature having adopted 60 per cent of its recommendations so far.

Many states now have interim legislative budget bureaus which make recommendations regarding departmental budgets and funds needed for new services, independently of other budget control departments. We had the experience of working with the Legislative Budget Bureau in Texas. The staff of this bureau surveyed the need for an appropriation for the activation of the state probation system which had already been authorized, and recommended a budget based on the appraisal of services needed. When NPPA was called in for consultation we learned that the staff had already read extensively in the field and had considered the budgets of the more progressive states for comparison. Though an economy-minded legislature failed to comply with the full recommendations, at least and at long last a start has been made.

Recently a refreshingly novel experience was granted us in working with an organized group of businessmen in Mississippi, where two years ago the attempt to secure probation legislation, supported by a statewide committee of judges, attorneys and social workers, failed. The Mississippi Economic Council, a voluntary organization similar to a state chamber of commerce, interested among other things in securing more efficient government and in "getting a fair shake for the tax dollar," after a thorough consideration of the social and eco-

nomic aspects of probation, adopted a resolution to work for it as one of the primary efforts of the organization.

On the local level, community planning councils are replacing councils of social agencies and are broadening the base of lay-citizen participation and the scope of community organization. These groups cannot overlook the role probation plays in conserving family life and the treatment of adult offenders. Such councils with full time staffs, employing skilful techniques for interpretation and planning, can be more effective for the promotion of adult probation services. In Atlanta a citizens' crime prevention commission supported by the community chest and voluntary contributions has taken under consideration the extension of probation services on the local level, including courts of inferior jurisdiction, and has appraised the need for establishing clinical facilities.

We cannot of course discount the value of the formal survey. This has been one of the busiest endeavors of the National Probation and Parole Association, which during the past thirty years has made 144 formal surveys. Many of these surveys have resulted in better probation services, but the best results have been achieved where the survey had strong support from both citizens and officials and where a continuing committee was formed, wide publicity was given and a sincere effort was made to implement the recommendations. Most of these surveys were requested because services were so obviously substandard as to excite the interest of citizens or officials. However, surveys might well be initiated by the agency itself.

A new form of survey which is now being used with much success in many areas of health and welfare is the so-called "self-survey." The agency and the citizens cooperate in much of the fact finding and the services of the outside expert are used to set up the prospectus for the survey and to draft the recommendations. These surveys have been successful, perhaps because of the opportunity they afford for more active participation

and it has been our experience that many of the recommendations are already incorporated into administrative practice by the time the final report is written.

As government responds to the demands of an enlightened electorate and as public officials and lawmakers occupy themselves with intelligent planning for the general welfare, specific services to the individual in the community cannot and will not be neglected. The burden is not on probation to prove its worth; that has been established. Rather it is for government to measure up to its responsibility to promote opportunity, protection and justice while respecting the dignity of man.

Our challenge is to assist that process while continuing to improve our honorable record of helpful services to troubled people and our particular contribution to the general welfare of society through the promotion of individualized justice. With the combined energies of the practitioner, the administrator, the organized planning group, the national association and the support of a sympathetic public, our goal of extending adult probation to all communities may yet be reached before some interplanetary Orville Wright reaches the moon.

Conditions and Violations of Probation and Parole

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DISCUSSION of conditions of probation imposed by the court, or of parole by the parole authority, and of violations of probation and parole, should begin by drawing a distinction between those conditions and violations having a fundament in law and those founded merely on regulations. We are all familiar with the distinction in our criminal statutes between acts which are wrong merely because they are forbidden and those which are wrong in themselves. In the same fashion some stipulated probation and parole conditions proscribe conduct which is wrong independently of the parole situation—e. g., violation of a state law—while others merely regulate behavior where the ordinary citizen may legitimately have a choice of two opposite modes of conduct, but the parolee is limited to one—e. g., abstinence from use of intoxicants. More popularly we call violations of such parole regulations technical violations. Preservation of a clear distinction between these two areas is extremely important, though unfortunately it is habitually ignored by the lay public and too frequently forgotten by some parole agents and administrators. As a result unwarranted emphasis is sometimes placed on a parole violation.

Violation rates are of primary concern to conscientious probation and parole authorities. Attention is, of course, constantly directed to this area by the demands of the public, reflected principally in the press, that persons dangerous to the public safety not be lightly released from confinement. But over and beyond the desire to avoid public censure, the competent and dili-

gent authority will scrutinize violators as the group most likely to reveal weaknesses and defects in administration. However, high or low violation rate is in itself no criterion of the quality of administration. What an agency does about its violators is the criterion. Frequently an exceptionally low rate may mean that violations are occurring but are not being observed, and conversely a relatively high rate may be the result of close, effective supervision.

Because conditions of probation and parole are the determining factors in judging violations, it follows that the agency should have well-defined concepts of these conditions. They provide the framework within which the agency will exercise its function of rehabilitation. Yet just twelve years ago the *Attorney General's Survey of Release Procedures* noted that "on the whole the problem as to the conditions which should be imposed upon probationers has been sadly neglected. It has aroused less controversy and comment than almost any other aspect of probation work, although obviously an important phase of probation procedure."[1] The remark, while specifically concerned with probation conditions, was equally applicable to parole, and because in this area the two procedures are almost identical, I am using either term as representing both.

The rules set out for probationers and parolees have remained essentially unchanged in tone and terminology from those fixed in the earliest days of the services. Has this immutability existed because the conditions have proved so sound, practical and successful that there has been no reason to change? The experiences of many parole officers—the often repeated criticism that repressive, negative and static conditions cannot accomplish constructive and positive growth in the offender—would seem to dictate a negative answer to that question.

There have indeed been undercurrents of dissatisfaction among field agents and administrators with the

[1] *Attorney General's Survey of Release Procedures*, 1939, Vol. II, page 257

stereotyped list of "rules of life" imposed in monotonous fashion upon their charges. These rules range from attempts to break down such stipulated minutiae as the time when a parolee shall be in his house at night and how and when he shall pay his room and board, to the opposite extreme of no conditions at all. Yet the pendulum's swing seems always to settle back to a moderate set of general conditions: law-abiding behavior; regular contacts with the supervising agent; steady employment; abstinence from intoxicants and drugs, and from evil associations; procurement of permission to travel, to marry, etc.

The necessity for conditions and regulations has been generally accepted. Probationers and parolees expect to be subject to supervision and control until final discharge, and accept a specific set of conditions as the medium of that control. This expectancy gives rise to the contractual analogy frequently applied to the parole and probation agreement. Attempts have been made by many agencies to draw up conditions so detailed that they cover every situation which a sort of composite parolee might be expected to face, the objective being to delineate so carefully the exact limits of the individual's activities that he could avoid by regulation all potential violations. However, the parolee often became enmeshed and strangled in the very bonds which were designed to preserve his equilibrium. The fallacy of this approach, of course, is that it disregards the theory of individualization of justice, which is one of the underlying tenets of probation and parole. Such an approach prefabricates, as it were, a model citizen and places upon the parolee and probationer the responsibility of transforming himself into the image and likeness of that model.

Today a sounder and more realistic approach is taken by progressive agencies. Stipulated conditions are viewed as obligations, imposed not only upon the probationer and parolee but on the supervising agent and the entire

agency. The agent within certain limits manipulates the leashes that bind the parolee in such fashion that excessive restraints may be removed when they are no longer necessary; restraints are shifted in accordance with changing needs and conditions, so that the leashes continue as stabilizers and do not become snares.

In the beginning I pointed out that a distinction must be drawn between technical violations and those resulting from commission of a new crime. Ordinarily commission of a new crime automatically removes the offender from the discretionary judgment of a supervising agent. Only when the new offense is of such relatively small significance as violation of an ordinance, can the parole officer refrain from classifying his charge as a violator. In such cases determination of final disposition must be left to the parole board or the court. However, the vast majority of violations occur in the technical area and it is here that the progressive and well-indoctrinated worker and his supervisors can be resourceful in adjusting rather than prosecuting. The agent who looks upon the regulatory conditions of probation and parole as articles which are to be strictly and unswervingly adhered to will merely be carrying out an extension of the police function. Moreover, compelling literal and constant observance of all the conditions of the average probation and parole period would be, I dare say, beyond the capacities of most probation and parole agents. I like the way Percy Lowery, chairman of the Ohio Pardon and Parole Commission, recently expressed this idea: "Life is a serial of getting off the beam and on the beam, and we hope that people are on the beam more than off, just as we hope that they are well more than they are sick. But we have to accept sickness and we have to accept getting off the beam in parole work."[1]

Discretion may be exercised in technical violations of probation and parole broadly at the top of the administrative echelon, and more narrowly at the bottom

[1] *Focus*, National Probation and Parole Association, May 1951

where the field officer functions. Permitting the parole officer, particularly if he is young and inexperienced, a wide and uncontrolled use of discretion in overlooking technical violations could well be a dangerous practice. All violations should be noted, and except for occasional lapses in manifestly trivial matters, should be discussed by the parole officer with his supervisor. Such a practice will prevent growth of a lax attitude toward technical aberrations, will insure preservation of a consistent agency policy, and will develop in the field agent a fuller understanding of his part in the whole agency structure. Even minor infractions of regulations should be considered as alert signals. Failure to report on an assigned day may be satisfactorily explained but the omission should receive serious attention until the explanation is received. The suggestion that action should be taken on technical violations only after cautious, deliberate and perhaps extended consideration of all factors does not imply that reception and investigation of such lapses should be casual. The parolee's every act of commission or omission should be considered by the officer as an important piece of the jigsaw cutouts, which, assembled, give a full picture of the man in his setting. Hold fast to the pieces as you get them but don't give the picture a title until you have enough pieces assembled to warrant a valid judgment.

When determining whether technical violation proceedings should be initiated, we must consider many factors. Foremost will always be the question whether the violations indicate that the man under supervision has become a menace to the community. Two parolees may rather consistently violate a regulation against the use of intoxicants. The behavior pattern of one may indicate that when drinking he misses an occasional day at work and deprives his family of some badly needed financial support. The other's history may show that when he drinks he feels compelled to steal an automobile and drive through the city at a dangerous speed.

The agency's obligation to the public demands action in the second instance.

When once it has been established that continuance on probation or parole in spite of violation will not endanger the community, the supervising agency has an obligation to determine that revocation of freedom will open up more effective avenues of treatment. The judges of our courts and the members of parole boards are continually exhorted to bear in mind that while the granting of probation and parole saves the defendant from prison or delivers him early from his committed term, avoidance of penal commitment is not the objective of these procedures. Rather they are designed to accomplish with the person, while he resides in the community, certain improvements in his mode of conduct, and to accomplish them in better fashion than in an institutional setting. A similar philosophy, it seems to me. should guide judges and parole board members when revocation is under consideration, and because the final action taken by courts and parole boards on violations depends in large part upon the information, attitudes and recommendations supplied by the field agency, I believe the spirit of that philosophy should permeate the entire probation and parole structure. Revocation should not be used as a handy means of unloading difficult cases, nor should it be used merely to punish a technical violator for failure to adhere to regulations. There should be as much constructive purpose in committing or in returning a violator to prison as there was in placing him on probation or parole in the first instance.

In a given case, commitment to prison or jail with what may superficially appear to be purely punitive purposes may in fact provide beneficial shock therapy, much in the fashion that a judicious application of the rod benefits some children. In another case, return to prison may simply augment the bitter, antisocial attitudes the offender already has toward the parole agency. He may then be ultimately released to society in a more

dangerous frame of mind than before. Great indeed is the perspicacity needed to appraise long-range values, and no magic formula or slide rule will give infallible answers. Experience, a deep understanding of human motivation, and the ability to judge without passion are needed. There are many occasions when a probationer's or parolee's defiance of the rules may be ignored without danger to the community, without loss of prestige to the agency, and with constructive results in the long run to the recalcitrant offender. Parolees and probationers sometimes get temper tantrums and express their feelings in terms of rebellion against regulations. The use of commitment in such instances may relieve the agency's tension, but so far as the offender is concerned will be as valueless as whipping an hysterical child to quiet him.

It is heartening to note that many of our progressive courts and parole boards are motivated by this approach toward the technical violator. This is no soft, spineless method rooted in a desire to coddle the criminal. When properly applied it is a realistic handling of procedures which have been established to build, not to crush, human nature. I recognize that we are still some distance away from the time when individual treatment of the offender will have general acceptance by the public. Screaming headlines which call attention to a new crime by a parolee postpone that time. (I am not taking issue with justified criticism—there are still too many jurisdictions where probation and parole are politically controlled and dangerously administered.) Many heinous crimes are committed by first offenders and persons who have not been under probation and parole, and there is no logical reason for the uproar when it becomes clear that the law of averages operates also in the field of probation and parole.

As I said earlier, the conscientious parole board and the interested judge will scrutinize carefully the rate of violation in their jurisdictions in order to strengthen weak spots in administration. But violations, like crimes,

will never be completely eradicated. Compilation of a set of probation and parole conditions, whether they be elaborate or simple, will not provide the final answer. Conditions are a means to an end, not an end in themselves. We are on the path to greater success in our treatment of probationers and parolees when we are able to interpret to them the specific restrictions imposed on them, not as blueprints of the perfect man, but rather as guides to growth in responsibility from day to day. We must creep with those who have not as yet learned to get off their hands and knees, we must walk slowly with those whose muscles have been cramped by the limited exercise areas of a prison, and we must run with those who have cast off the shackles of the past. This philosophy is neither maudlin nor ineffectual when attempted with the strength and understanding of the One who, cognizant of the vagaries of all men, advised, "Be ye therefore merciful, as your Father also is merciful."

The Parolee as a Person

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UNQUESTIONABLY, the most critical period in the career of a parolee is that immediately following his return to the community. Studies of parole violations indicate that the highest rate of violation occurs within the first few months.

A man emerging from prison has been through an experience which has impaired his initiative. He has been in an abnormal environment where all decisions were made for him, where he was clothed and fed and sheltered; and now he goes forth into a strange world. He is bewildered by what he sees about him; he usually has lost most of his friends, and much of the affection of his family and relatives. His imprisonment may have broken up his home and family or perhaps he never had a decent place in which to live. His family may have been left to struggle alone and perhaps in many cases to go on relief.

Often the feelings he had when he entered prison are revived. He has played and lost—he is embittered and shattered. Perhaps he feels that some one else was at fault or "the system" was all too stringent. He hates bitterly. Perhaps he is completely discouraged and demoralized, has given up hope of living decently. As an "ex-convict" he is discriminated against on almost every hand. People are suspicious of him. Certain kinds of jobs he just cannot get no matter how well equipped or skilled he may be. All too frequently he is an outcast in his own community.

With few exceptions, the parolee is a maladjusted individual, mentally and physically. He is not infrequently the product of atypical hereditary and environmental forces which have left their imprint. He has already proved to be a social liability. He is not the man he

once was or may yet be. His unity or personality organization has been shaken, and he therefore is not too sure of himself.

It is human to cling to what has become familiar and important in one's life, and although men leave prison in a physical sense, they often are not free of it psychologically, with the result that they are drawn back to it by a power beyond their understanding. The parolee needs someone to help him build up his damaged ego, help him to a sense of competence and self-confidence.

Parole is based upon the principle that training and treatment in the prison are only part of the planned correctional process, which, to be complete, must be followed by a satisfactory community adjustment. Parole really should begin to function the day the inmate enters prison. Everything he does, every experience he has, should be designed to aid in preparing him for a return to civil life—educational and vocational training, the treatment of health, physical and mental, and the treatment of attitudes.

Parole success hinges, to a considerable extent, on preparation of the inmate for release. The parole supervisor and the community look to institutions to stimulate and effect change in prisoners. Supervisors expect from institutions and parole boards men who have benefited from training in the institution, men who have grown in ability to govern their emotions and impulses, who are able to become part of the community life—in short, men ready for parole.

Unfortunately, most prison systems do not have psychiatrists to give intensive individual treatment or group therapy. Yet if there is ever a time when an offender needs psychological reassurance, it is just before and immediately after release on parole. The stigma of his incarceration casts its shadow over every phase of his activities.

Undoubtedly, some offenders will never develop into law-abiding citizens, no matter how carefully they are

selected, supervised, and guided after release. Others who were incidental offenders are rather stable individuals without any evident criminal tendencies and have little difficulty in making the transition into society. There is also the parolee who returns to a complicated home and community situation, who needs psychological and psychiatric help, who is having trouble adjusting to normal contacts after many years of confinement, and feels that all his effort gives little promise of ultimate success. These are the cases that need intensive supervision.

When he leaves the prison on parole and is confronted with the realities of his program, his feelings of inadequacy may become more acute. He begins to take a negative view of parole and to regard his supervisor as a policeman who may at any time, if his foot slips into one of numerous pitfalls, put him back in prison where he will be worse off than before his parole papers arrived.

Unless the supervisor is a genius he will not be able to diagnose or plan completely at the outset of his responsibility for any case, but must continue to study and plan throughout supervision, with an intensive effort during its early phases.

Changes as they come will be somewhat proportionate to the mental and emotional age of the parolee. There is some danger in a standard of near-perfection for the parolee, exacted by prescribed conditions of supervision. It is more than likely that the parolee will, before he has gone far in his parole period, break one of his conditions. If he is caught, he may not be returned to prison but he feels himself more closely bound than before in a net of authoritarianism and is more fearful of his supervisor. If he is not caught, then there is a more subtle change in his psychology. He has violated parole and evaded detection. He sees that it is relatively easy to do. He becomes furtive, and the chance of establishing or restoring a relationship of confidence and good faith between him and his supervisor is lessened.

Another reaction is frequently observed. If a parolee has built up hope of a successful parole period and then violates a minor condition, he is likely to feel that once a false step has been taken, all is lost, and therefore he may as well plunge into real crime.

The critical nature of the period immediately following release suggests the importance of the amount and the quality of supervision for the first ninety days after the parolee's return. Admittedly, the amount of attention required will differ widely but it should be sufficient to tide the individual over the difficult days, after which a tapering off of service may be called for.

Parole supervision provides the parolee with opportunities for more constructive personal development and for more satisfactory relationships in society. It requires of the supervisor a warm, sympathetic personality and broad knowledge of human beings backed up by the discipline that comes from sound professional training. The supervisor must have a thorough knowledge of community resources—medical, educational, religious, vocational, recreational, and the like—and he must be skilled in welding these resources into planned treatment services. There is a direct connection between successful parole and the skill of the supervisor, just as there is between the successful treatment of illness and the skill of the physician.

Personality Makeup

The parolee's personality has been molded out of countless life experiences. The key to change in man is not to be found in single areas of performance but rather in something less concrete which reveals him totally and whole. He is to be viewed in relation to all activities and responsibilities of life, not just in his overt behavior. The supervisor must strive for knowledge of what has happened to him, the inner, wilful him.

We all have strong selfish impulses which are frustrated

by our social codes but which demand satisfaction. Aggressive destructive behavior results from internal tensions and disharmonies and a state of undiscipline activated by the social stimuli—negative or positive—of a given environment or situation. The capacity to master urges, to tolerate pain and frustration for some future gratification, and to conform with the standards of society, means emotional maturity. Only as a parolee can find a substitute for immediate fulfilment of his antisocial and asocial impulses is he willing to give up or postpone them. If he does not find a compensatory mechanism, he follows these strong drives, which under certain environmental influences lead him into parole violation. Each of us, according to W. I. Thomas, has certain inherent wishes or desires, a need for recognition, for security, for affection, and for new experiences. Unless these needs are met by wholesome, legal, socially accepted means, they will be satisfied through illegal, immoral, and socially harmful avenues. The important thing is that they will be satisfied one way or the other. The parolee wants basically what all human beings want. He wants to love and to be loved. He wants to belong and to participate in the give and take of living. He wants to be productive in terms of the capacities with which nature has endowed him. The cultural, moral, religious and social patterns of every person in contact with the parolee are important in his growth.

Psychological factors traceable to a broken home, parental rejection, overprotection in childhood, jealousy, emotional immaturity, conflicting concepts, self-evaluation and devaluation are important in character formation and explain behavior to some degree, though a more complex and deeper personality disorder is often evident.

An understanding of personality makeup of the parolee and its everyday expression should be reached before a plan for readjustment is made. If we are really to work with the individual, we should make a definite

personality study and analysis of the finer constitutional and psychological deviations which oftentimes are overlooked in the rush of everyday investigation and supervision.

The parolee is a human being just like ourselves. He has his loves, his hates, his prejudices, jealousies and ambitions. If we can remember that he is another person who, because of previously established patterns of behavior reacts in socially unacceptable ways, we are well on the way toward a better understanding and recognition of the basic psychological drives that motivate him. Psychological patterns often defy detection. Understanding why people act as they do helps us to be more tolerant of their shortcomings or failures. It is impossible for the parolee, as it is for society, to hate anyone whom he really understands. For understanding casts out fear, and hatred itself is a form of fear.

The parolee often lacks the ability to forget, to see a situation honestly and clearly and then to dismiss it. He will not or cannot analyze his ego-wounding experiences, yet he refuses to dismiss them. They are pushed out of conscious awareness and stored away in the hidden recesses of the mind. Emotions which have neither been expressed nor dissipated must find a release and so give rise to psychological patterns which may be detrimental to the parolee's happiness and adjustment. The longer the pattern exists, the more difficult it is to bring about a change.

Human beings have excellent powers of adaptation, of reacting and responding in a variety of ways. If a program is presented to the new parolee in a challenging way he may respond with forces and skills not previously recognized by him. Conversely, if he can "just float along" without exerting himself unduly, is it reasonable to expect him to strive beyond the minimum requirements? Those who break the law behave as they do in response to strong inner drives which are influenced by outside pressures. Within the range of our

present knowledge of behavior—and it is limited—the skilled supervisor takes into account both these inside "pushes" and the demands of the social and economic setting.

Determination of the problems to be considered in treatment, however, must flow from the parolee's movement as he struggles toward an understanding of himself, and a balance between his purely personal needs and his role as a member of a family and of society. The supervisor must be alert to the ebb and flow of resistance and progress. Sometimes utilization of past experiences, sometimes concentration on present experiences will be called for, yet neither exploration of the past nor concentration on the present represents treatment in itself.

Techniques have been evolved to help the individual to a much more satisfactory adjustment to his life situation. Certain general principles of rehabilitation can be stated as: 1) establishing rapport or gaining the individual's confidence; 2) ventilation, also known as aeration or catharsis or permitting the individual to tell his story, to talk himself out; 3) desensitization, the uncovering of painful or repressed experiences; 4) suggestion, persuasion, and reassurance; and 5) reeducation.

Rapport The average parolee is fearful and suspicious of authority as of an enemy who cannot be trusted. Many have been disillusioned repeatedly by those in authority, and though the parolee believes the supervisor is his friend, he prefers to withhold significant information for a long time. He will not rely at once on what the supervisor says. He has had to learn to spot his friends quickly, and he will detect by a frown or sudden quietness or tenseness that the supervisor cannot at this point accept him deeply. A sensitive supervisor may have difficulty in retaining a feeling of warmth for a parolee who has a past record of rape or murder; for a parolee who persists in maintaining late hours after repeated promises and assurances that this would never happen again; for a parolee who reports convinc-

ingly that his employment is satisfactory though the supervisor knows he has missed several days of work since the last interview. (The supervisor may, on the other hand, be really convinced of his client's sincerity while the parolee is telling a succession of lies.)

Establishing rapport with this type of individual may not be easy. He does not feel free to enter frank discussions for fear of disclosing something which might harm his newly attained status of parole. He avoids any critical self-analysis and is given to deception and rationalization. The one thing he realizes is that he stands in imminent danger of losing his personal liberty for some time to come—a horrible fate to contemplate.

Another interference with a confidential relationship may be the parolee's lack of initiative in recognizing his needs and in seeking help with his problems. As he continues to struggle in his new environment, a receptivity for service may develop which may lay the cornerstone for an effective relationship.

Processes

Ventilation Ventilation, cartharsis, aeration, are synonomous terms for lessening of anxiety by "talking out" one's problems. Not only must the supervisor be a sympathetic listener to the parolee's story, but of greater importance, a skilled listener. He must avoid moralizing, which may tend to inhibit free recital. His attention is not on past sins but on symptoms and the uncovering of problems. A tendency to talk too much curtails the parolee's opportunity to tell his views free from suggestions or the influence of the supervisor's preconceived ideas.

Discussion of problems, philosophy, and attitudes toward life situations not only permits release of tensions for the parolee but reveals to the supervisor the personality structure and habit patterns with which he is dealing. Talking it out crystallizes problems for the parolee so that he can see them in proper perspective. This

principle of supervision operates effectively in dealing with the frustrations and bitterness that well up within him over the "injustices" of his prison and community experiences.

In the outpourings one can recognize rationalizations and avoidance of obviously painful episodes. Parolees will rarely dwell upon their guilt, but mainly upon their innocence or on justification for their acts, often through devious and complicated reasoning. This appears to be a self-protective mechanism operating on both conscious and unconscious levels. Whenever the possibility of difficulty looms, anxieties appear and tensions arise which provide the substance of many interviews. The parolee gradually becomes ready to face reality.

Desensitization Desensitization refers to the uncovering of repressed experiences with the concomitant release of pent-up emotions. Special uncovering techniques may be necessary. Here the supervisor's training may focus attention on pertinent maladaptation and the pathology contributing thereto. More complicated uncovering techniques within the realm of the psychiatrist may be needed.

Suggestion, Persuasion, and Reassurance As the relationship develops between supervisor and parolee the elements of suggestion, persuasion, and reassurance come into play. Without positive direction parolees often will say: "You're OK; no matter what happens I won't let you down," or "I'll do what you want me to do." Identification with the principles and standards of the supervisor, that is, of society, gradually takes hold through acceptance of the supervisor as an authority, not by conscious direction but by indirection. In the parolee-supervisor relationship there is the tacit proffer of friendship and the parolee finds much needed reassurance in taking many steps he would otherwise be loath to hazard. These principles at work are subtle; they do not dispute the accepted concept in social work that the worker enables the individual to see his problem but

leaves to him the final choice of action. Positive direction, however, is at times a valuable tool in the hands of the supervisor.

Reeducation Counseling is an educational process. No matter how "non-directive" the counseling, the experience and knowledge of the supervisor somehow influence the parolee. Within every individual some resources operate toward wholesome growth and normality. Counseling never gets to the bottom of all personal difficulties, but clarification in some areas provides sufficient movement to permit the parolee to meet his practical needs. This personal resourcefulness, as well as the active counseling process, contributes to insight into the mechanism of the difficulty, and helps to assure future stability.

Confidence established between parolee and supervisor on these levels permits of a natural transition to the complex areas of personality and behavior adjustment. Freedom on parole lends itself to objective evaluation of previously experienced adverse situations. Since the individual is removed from those situations, though presently faced with new ones, he is more prone to meditation and reflection. This attitude not only aids the supervisor in dealing with the parolee, but it also helps in counteracting those vicious influences which abound in every community.

Rehabilitation techniques strive toward the fullest possible adjustment in a well-rounded life. The supervisor's knowledge of the genesis and structure of personality development, his flexibility in utilizing this knowledge, and the imagination, patience, and objectivity he brings to bear on the parolee's needs will directly affect that adjustment.

The parolee, like other men, wants to learn, he wants to marry and establish a family, he wants to work, he wants to participate in the life of the community. He is deeply frustrated when he is denied opportunities for this fuller life. A balanced and satisfactory domestic environment is the greatest possible aid to rehabilita-

tion; an inharmonious domestic or marital environment can be the greatest drawback. In spite of a natural reluctance to intrude into the most personal of all relationships, the supervisor cannot avoid the responsibility of seeking an intimate, confidential and friendly relationship with the family of the parolee. This approach must be upon the adult level, with interest on assisting in the development of a self-sustaining family unit.

Most of the key concepts of casework are not new and some of them have been known and practiced for thousands of years. However, with the development of present day psychiatry, these concepts have been greatly illuminated. Such qualifications as a deep understanding of human nature and the forces which direct behavior; a profound belief in the worth of the individual and respect for his personal, social, and cultural differences; an objective acceptance of the individual as we find him and a genuine desire to be of service, buttressed by a real knowledge of resources and how to use them, are among the requisites to success in the practice of parole. Without casework parole is denied its most vital force.

It has been said before that parole supervision involves more than surveillance, more than keeping parolees out of trouble. It is directed at rehabilitation, at assisting the parolee in making a satisfactory readjustment to family and community living. This is a large order. It requires an ability to adjust family difficulties and personal conflicts even before their symptoms become evident to the parolee. It requires a thorough knowledge and wise use of all possible community resources for the good of the parolee. It requires real thinking, sage planning, and continuous work on the part of the supervisor. To effect any appreciable and lasting improvement in conditions, habits, attitudes, and objectives, supervision must be a thoroughly sustained, affirmative, planned program of treatment. Anything less is an injustice to the parolee, the court, the institution, the community and ourselves.

II THE JUVENILE COURT AT WORK

The Functions of Police and Children's Courts[1]

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A distinguished children's court judge wrote some time ago:

> As one sits in the Children's Court day after day seeing children, reading their histories, talking to their parents, studying their problems, it often seems as though the chief difference between the neglected and delinquent group lies in whether a sympathetic parent, guardian, teacher, or social agency seeks help for the child or whether a less sympathetic parent, guardian, teacher, social agency or police officer makes a complaint against the child.[2]

Without here entering into the current controversy as to whether or not the "delinquency" or "neglect" labels are essential in adjudication, we may note that the thinking in the observation quoted applies to other settings and has other implications.

Thus, whether or not a child is ever reported to any of the agencies serving children in trouble is very much influenced by such factors as ethnic and social background, socio-economic status and the traditions of a given community. With some exceptions, the self-same problems may be known to attendance officers, police, courts, religious leaders, teachers, child guidance clinics, private psychiatrists or Big Brother organizations. The

[1]Paper given at the Congress of Correction, 1951

[2]Polier, Justine Wise, *Everyone's Children, Nobody's Child*, Charles Scribner's Sons, 1941, p. 46

high delinquency rates and social service exchange registrations in areas of economic need or among underprivileged minorities are well known. However, these rates are determined by the inability of members of such groups to turn to any but public bodies for help, and the readiness of official agencies to detect and apprehend cases, as much as by the economic need and underprivileged status which contributes to family breakdown and pathology. Too often, in contemplating rate differentials, we forget who it is who can afford private psychiatrists and out-of-state schools to handle problems, and who is more likely to be taken to court.

These concepts could be elaborated; indeed, they have been. I wish to pursue their implications with respect to a limited area. What do these concepts imply for the ways protective agencies define their functions, relate to one another, and process their cases? For if a variety of factors brings some children to agencies and keeps others away, and if the form of the request is determined by more than the facts of the situation, there are certain obligations for the intake departments of agencies. Before pursuing these matters, however, it might be wise to state briefly the point of view about children in trouble which constitutes the framework of this discussion.

Children in Trouble

This point of view holds that acts or situations bringing children to the attention of police, courts and other protective agencies as delinquent or their parents as neglectful may be viewed as "a homeostatic technique, preservative of the organism's integrity," to quote Robert Lindner. These acts have real purpose to the doers. They meet needs which are the outgrowth of constitution, social environment, personal history, interpersonal relations, intelligence and precipitating circumstances. Legal prohibitions are ignored and general public disapproval disregarded in the face of strong (often uncon-

scious) personal problems and needs or the support of the mores of antisocial (or at least deviant) cultural subgroups in the population.

The varieties in combination of factors, problems and needs are such that one would not expect to find, psychologically speaking, one personality type of delinquent child or neglectful parent. With few exceptions, there is agreement that these are social rather than psychological labels. Thus, "Delinquency is not the name of an illness, nor is there one specific psychological category for all delinquents and for them alone."[1] A wide diagnostic range is, for instance, identifiable among New York City Bureau of Attendance cases, police cases, or cases referred for clinical study by the Children's Court.

Under such circumstances, a neglected or delinquent child poses the task of understanding the problems and needs behind his presenting symptoms (act, situation, offense) and of determining the kinds of material or emotional help necessary to assure adjustment and compliance. Hence, to assure effective correction instead of useless punishment, police, courts and other protective agencies must be equipped to understand the meanings of child and parental behavior and to provide the help required—or must be able to use other community resources to perform these fundamental functions.

This, then, leads us to the main issue: What should police and courts attempt to do? What skills must they develop? What are their most effective functions in a good community plan?

Functions

It must be made clear first that all social institutions have social control functions which are by-products of their other activities. For example, while our conscious intent in organizing schools is the education of the young, it is apparent that schools very much mold values and interpersonal relationships — areas not intrinsically

[1] Bovet, L., *Psychiatric Aspects of Juvenile Delinquency*, Geneva, World Health Organization, 1951, pp. 8-9

part of the curriculum. Yet we plan a curriculum, and not the secondary effects (or latent functions) because we know that the latter always take care of themselves and are often not identifiable by participants. Similarly, it may be that handsome and strong policemen on the corner give young children models for their adulthood. It may be that the existence of courts preserves certain hallowed ceremonies—but these can only be secondary, often latent, consequences. Because these latent functions are seldom predictable or subject to direction, our concern as planners must necessarily be restricted to a consideration of the deliberate activities and operations necessary in a community. What, then, are police and court responsibilities for prevention, detection, case screening, intensive casework treatment, or recreation? How must they handle cases to check delinquency effectively?

If the term "prevention"[1] is conceived of literally as "to keep from happening," any preventive activity must keep some individuals from feeling that unlawful means are their best sources of support and others from engaging in social aggression out of confused moral values, frustration, or need to be caught and punished. Clearly, in this sense, prevention is concerned with parent-child relationships, housing, family incomes, intergroup relations, education, and perhaps recreation.

Programs dealing with so-called "vulnerable" children are also sometimes called preventive programs. These are programs serving individuals whose life situations are so disordered that trouble is possible, but who have as yet developed no important difficulties or maladjustments. In this sense one might talk about prevention by child guidance clinics, public assistance agencies, health and visiting housekeeper services, and so on.

Police and courts, it must be noted, are involved very little, if at all, in the levels of prevention described above.

[1] In this and in the subsequent sections I have drawn heavily on material in *Police and Children*, published in 1951 by the Citizen's Committee on Children of New York City, and in my "Functions of Youth Police in an Integrated Community Plan for Helping Children in Trouble," *Journal of Educational Sociology*, May 1951, p. 534.

It is the unusual circumstance when they act to affect the total community picture. Despite the prestige which seems to be associated with the word "prevention," we see no special value in stretching that particular halo further than it goes. It is far more important to recognize just what it is that police and courts can and must do—and do well—to serve the community. For the fact remains that these agencies are not in a position to prevent the growth and development of delinquents or of neglected children. If they "prevent crimes" it is by law enforcement in the narrow sense. If they locate minor offenders and refer them to social agencies for help, that is case location and referral. In short, the more specific and delimited terms are preferable. (Those within police circles who have seen this clearly have begun to use the term "delinquency control" as a more accurate description of all "law enforcement activities which suppress delinquent behavior without necessarily removing the conditions which produced the delinquency.")

In this context it is possible to develop a point of view about police recreation programs. If any recreation programs are to be seen as preventive, they must be the best programs possible. They must serve everybody in the community. To the extent that police-conducted programs are not open to all (or are not used by some, who do not see themselves as needing police guidance) they are not fully successful. To the extent that police are not trained recreation specialists, one should question their involvement in recreation at all. To the extent that recreation efforts take staff from some police functions listed below, they are further questionable. In short, if recreation can make a community a better place to live (and thus can be considered broadly preventive), a community should have the best possible recreation. However, there are few instances where the police can be established as the best recreation directors and little evidence that specific police recreation programs

limited to children considered "potential" delinquents, actually decrease delinquency.

Major Police Responsibilities

To protect the community from offenders and to deter crime is generally considered as the major police function. The assumption is that most people in a society know and obey most laws (although there are many accepted and widely practiced evasions). However, some people are prepared to break the law but hesitate to do so if they are likely to be caught and punished.

This function is different from prevention as described above because it assumes that people have arrived at a point where they are prepared to break the law. The police officer, as society's guardian, represents a warning that transgression may be costly. This may be enough to halt certain possible delinquencies. The functions of law enforcement and determent range from forbidding people to walk on the grass to cruising in squad cars awaiting calls.

Adequate performance of these functions requires a police force sufficiently large so that it can be readily seen and can respond to calls. Its officers must be honest and impartial so that the law is not easily circumvented. Its leaders must be alert to the development of tensions and dangers and able to react rapidly with such measures as will block potential law-breakers.

Closely akin to these police protective activities and obviously a function of the same group is detection of offenders. A police force is not a deterrent unless evasion or flaunting of the laws is frequently followed by apprehension. Thieves must be caught, murderers brought to trial, speeding motorists given tickets, runaways located.

The system of patrolling and protecting people and property, which is essential in determent, provides simultaneously personnel to investigate offenses and to

detect and apprehend law-breakers. There may, in addition, be available specialists in investigation procedures. Police undertaking these assignments must be intelligent, honest, courageous; provided with necessary facilities, they must work in sufficient numbers under capable leadership.

Case Screening and Referral

From the point of view of programs which aim to help offenders the program of detection and apprehension may also be seen as a program of "case finding." In a day when exact penalties were prescribed for specific transgressions (as they often still are in our adult courts or in our schoolrooms) police and court assignments were quite simple once cases were brought in. After gathering available evidence, one decided whether an offense, as defined, had occurred; police then knew who could be warned and who had to be brought to courts. Similarly, courts knew which cases required formal action and which did not.

However, as soon as one introduces the considerations summarized at the begininng of this paper, the symptom (act, offense, trouble, complaint) is no longer sufficient indication as to whether or not authoritative bodies must enter into the situation. When one becomes concerned with who has brought the case to us, what this means, and most important, what the child's actions or reactions mean, the problem of preliminary disposition is far more complex. On the one hand there are, in addition to the more serious offenses, the instances where the evidence of the reported offense is questionable or the offense is minor, but where there are strong hints that the child is disturbed and in need of help. On the other hand, the complaint often uncovers a family situation in which adults, in turning to public bodies to complain about their children, reveal their own disturbance or need for help.

When we move from weighing evidence and ask-

ing whether or not there is a case for legal action to the rapid evaluation of the individual, to decide whether he may be dismissed or requires more study and official intervention, we are in the area of screening. The issue is not whether or not police should do screening but rather how much they can and should do. All police officers use discretion about arresting and thus have some criteria for screening. Even in the system which defines the officer's role as detection and determent he uses judgment. He gives minor offenders "a second chance"; he decides that certain actions are the results of momentary impulses or accidents; he agrees to let parent, teacher or clergyman effect reform. Juvenile courts have also, from their inception, assumed that their intake services had certain discretion and that, unless certain very "serious" offenses were involved or the petitioner insisted on action, formal hearings were not required in all cases.

The main planning issues thus become: What level of case screening and differentiation is required? How can screening be incorporated into police and court procedures? What skills and facilities are needed for the job?

Exploration of the various possibilities suggests at once that neither police nor court screening devices could possibly provide either psychiatric diagnoses of all alleged offenders nor even full sociological appraisals of the circumstances leading to their being reported. Yet adoption of a pattern of "being lenient" until there are several offenses is no solution. There is no justification for waiting until multiple offenses are committed by persons who need help. One might screen out accidental offenders, watching for those to whom the experience has been traumatic and who need some kind of aid. Ultimately, however, for the bulk of cases, police and courts cannot evade the responsibility for case appraisal. They must differentiate between the more serious delinquents and the apparently casual offenders who damage

property or break other laws in the midst of play as transitory pranks or because of immediate environmental circumstances, and for whom detection and warning are enough. The former more serious group includes some whose families are able to cope with the problem, once reported, and others for whom family awareness would make no difference. This kind of screening presupposes good understanding of human personality and of sources of deviant behavior. It assumes ability at rapid review of circumstances and sufficient objectivity and maturity so that the decision is based on the client's needs rather than the interviewer's sentiments or prejudices.

The Police

Quite often, these qualities and skills are not expected in police officers assigned to work with children. Some might feel, in fact, that such qualities and skills conflict with police functions. Our own recent study of the New York City Juvenile Aid Bureau, published under the title *Police and Children,* suggested that one could quite reasonably seek such screening activities in a department concerned with patrolling, other forms of deterring, detection and apprehension, if the attempt throughout the department was to maintain a uniform philosophy of helping rather than punishing, and to be particularly considerate and sensitive in work with young people. Indeed, all these more traditional police activities could develop the necessary tone and become part of a community's protective services for children, to the degree in which the skills and outlook necessary to effective screening and referral influenced the rest of the work.

Our study showed, in fact, that the Juvenile Aid Bureau has organized itself around the intent to do screening and referral; the bulk of the staff are in field units which receive all referrals and appraise cases. The major failings found had to do with the lack of full clarity of philosophy, the need for more skilled staff, for leadership and facilities. We have made certain suggest-

ions as to what must be done to raise the level of field unit performance and to relate these activities to the remainder of youth police responsibilities. The Juvenile Aid Bureau has considered these matters seriously, and steps are being taken to raise the level of skill and integration.

One should add briefly that screening is only half of the picture; referral is part of the self-same process and assumes the same skills and attitudes. To make proper referrals, whether to a guidance clinic for personality help, to a settlement for club contacts, or to a court as a preliminary to institutionalization, demands in addition a good working knowledge of community resources and agencies, the service they offer and their methods of operation. Hospitals, family welfare agencies, public assistance programs, guidance clinics, clubs and centers, camps, religious programs—these and many other possibilities exist once it is decided that the contact requires some next steps. Yet the value of the referral depends on good selection of the agency, clear interpretation of the child and his needs to the agency by way of preparing the ground, and adequate work with the child so that the referral will be used. Agency records are full of the comment "Did not cooperate" after referrals which were poorly prepared.

The concept of referral is also certainly nothing new to the police. Police officers have always known where to send an evicted family for help or a homeless man for lodging. But the types of referral described above require more than this. The full knowledge of community resources involved, the understanding and ability to work with all kinds of people in need or in trouble, has not been traditional equipment of all police officers. However, it must be contended, desire to develop an adequate youth police department would result in measures to assure that knowledge and skill in making referrals become the equipment of all police officers working with young people.

The Courts

The juvenile court movement recognized, early in its history, that its objectives could be better attained if it could provide, at its own gateway, a device for informal adjustment of certain cases and referral of others. What is more, there was recognition of the need to consider carefully what type of court petition was required in those cases which were to be handled formally. In other words, screening and referral services became juvenile court activities. This preliminary kind of appraisal has variously become the task of probation bureaus, bureaus of adjustment, police associated with the court, the corporation counsel or referees—but the intent is usually the same. Recent U.S. Children's Bureau statistics, limited to so-called delinquency cases, show that in 1949 "over half (58 per cent) of the delinquency cases reported by the 413 courts were handled unofficially."[1]

The quality of unofficial adjustments and of screening and referral work in children's courts varies greatly. The standards we have described for screening and referral by police are of course even more applicable here. If anything, a court intake service must carry case study even further than do the police and must become involved in more complex decisions. Yet regularly, in place of trained caseworkers as court counselors, one finds untrained probation officers or others assuming these responsibilities.

Far too often, only those children are seen in the "informal" court agency who have committed so-called minor offenses, while other offenses lead at once to petitions. While we can accept the principle that it is possible to identify certain categories of cases which must not be handled informally (although offense can hardly be the sole criterion), the tendency to take certain children to the petition desk at once ignores yet another factor. A good intake service, and therefore, a good

[1]Children's Bureau Statistical Series, Number 8, *Juvenile Court Statistics*, 1946-1949, Federal Security Agency, 1951

police referral unit and a good court adjustment unit, does more than a preliminary case evaluation and a determination of next steps. It clarifies the next step with the client and prepares him for it. The serious offender and his parent need preparation for the courtroom as much as the offender who goes to an adjustment bureau first. In the report of our current survey of the New York City Children's Court we shall, therefore, urge that a bureau of applications provide certain intake services for all children, whether or not informal handling is indicated.

In leaving this phase of the discussion, we might indicate that a philosophy about the court and how it can help is prerequisite to screening and referral services which decide which cases should go into the courtroom and which should not. This paper is no place to detail such a philosophy, but we must stress that, as much as case appraisal, it is a condition of effective work. Where police see courts differently from the way courts see themselves, where different judges and probation officers reveal divergent philosophies, where private social agencies do not understand when an authoritative agency can be effectively used, we have not a rational community pattern of services but "confusion worse confounded."

Treatment

Case detection and screening mean little unless a program of correction and treatment follows. Whether the treatment is to consist of emotional support, environmental adjustments, psychological therapies or some combination of these should be decided by individuals with proper skill. Those who are to conduct the treatment require the preparation we described in connection with screening and referral, plus certain other qualifications. The exact nature of such preparation varies from the largely environmental to the chiefly psychological therapies, but there is wide agreement that treat-

ment agencies must place major responsibility in the hands of appropriately trained workers, whether psychologists, social workers or psychiatrists. Skilled professional supervision and control of staff is, of course, also prerequisite.

The word "treatment" is often used in police circles for what proves, on examination, to be screening and referral activity and for what is sometimes a well meaning but hardly professionally guided big brother relationship or unofficial probation. Probation departments often use the term to include such routine activity as checking up on children and regular reporting, although there is no evidence of rehabilitative skill. The claim is made, however, that at times police and courts can provide treatment in its real sense; this must be considered.

Some police groups have tried to set up special social agency or guidance units to provide treatment. Since there has been little experimentation with these, full evaluation is not possible. Nonetheless, police performing all of the other functions listed above retain throughout a law-enforcement obligation for themselves, and a law-enforcement connection, from the point of view of clients, which makes it extremely difficult to develop the kinds of relationship necessary to treatment. It has, however, been pointed out many times that such authoritative contexts are common to many situations in which treatment has been shown to be possible and that this might not be an overwhelming obstacle. Even granted that this is the case, the question must then be asked whether or not in a rational community plan the clinic or casework bureau (whose staff members would learn to take advantage of the authority context by going out to the clients to build a therapeutic relationship) should be placed in the youth police department. It is perfectly clear that there are children who are detected not by police but in the schools, through the contacts of a department of welfare and in courts themselves, who also

require a treatment relationship in an authoritative agency. The question then persists as to whether such a clinic should become the province of the youth police while the other agencies develop similar clinics of their own.

While one would not wish, in a time of shortage of facilities, to suggest that a successful treatment agency discontinue its activities, we recommended abolition of the service (social treatment) unit in the New York City Juvenile Aid Bureau since careful study showed its work to be poor and since the creation of a treatment program anew under other auspices gave promise of greater success.

In examining the court's obligations, one emerges with somewhat different conclusions. The Children's Court movement means nothing if it does not mean that placing a child on probation assures the beginning of a rehabilitative effort. Courts must clearly separate adjudication and disposition processes. The determination that a court must intervene calls for the use of clinical skills which will help decide whether a child whose case cannot be dismissed or discharged requires an institution, a foster home, referral for help in a public welfare agency, or voluntary social agency, or finally, a continuing contact with the court (i.e., probation). There is some question as to whether courts can make such plans while a judge assumes complete and exclusive responsibility for disposition. Perhaps disposition panels, referees, or a case conference procedure in which probation workers and psychiatric consultants have important voices would yield sounder results. Whatever the procedure, the court must be able to offer an authority—based on court casework service. Many probation bureaus mean to offer such service but lack trained staff. If such service were assured, courts would not require special treatment clinics; any treatment enhanced by court sponsorship could be assigned to probation workers, better called counselors.

Thus, a protective and correctional agency, apart from its latent social control functions, must provide effective screening and referral services at its entrance. If it is to do more than this and enter into treatment responsibilities, these responsibilites must be assumed by trained staff and should, in each instance, represent a well-defined treatment prescription, rather than diffuse and vaguely defined procedures.

There is nowhere an ideal community pattern of services, and there is a good deal of room for experimentation and variation to meet local conditions. Present experience might suggest, however, that police should a) continue and improve their more traditional determent, detection, apprehension and reporting activities; b) develop or considerably improve their case screening and referral services; and c) avoid recreation programs or elaborate treatment endeavors. Children's courts on the other hand, must a) have elaborate diagnostically oriented intake services to evaluate all cases, adjust some informally and prepare others for court; and b) provide in probation a skilled casework treatment service for those who need it. The place of attendance bureaus, societies for the prevention of cruelty to children and other groups must also be reviewed—but a diagnostic emphasis combined with careful review of the possible special contribution of each will assure rational planning and good integration. For these factors—diagnostic skills, specialized treatment skills, as well as procedures to assure inter-agency coordination—are the fundamental elements in a blueprint for community protective services.

Limiting Unofficial Casework

JOHN WARREN HILL
Presiding Justice, Domestic Relations Court of the City of New York

UNOFFICIAL casework in the juvenile court refers to out-of-court help or treatment given to delinquent and neglected children for whom no petition has been filed and who do not go before a judge. Sometimes the casework for these children is provided by the probation services and sometimes by private agencies whose aid is invoked by the probation department. In some jurisdictions the intake policy of the juvenile court directs that all new cases go to an intake probation officer, who determines which child shall go to court and which may be treated out of court.

In other jurisdictions the court does not delegate such broad power to its probation department or to any other agency in all types of cases. In New York City the problems of delinquency and its treatment are greatly intensified by reason of a thousand factors inherent in the size of our city. Furthermore, there are now in operation in New York many sifting processes, carried on by pre-court treatment agencies as part of a broad delinquency prevention program, so that only the most seriously disturbed children come to our court. Accordingly, we do not grant unlimited jurisdiction over new cases to our probation department.

We have five adjustment bureaus, one in each of our five borough courts. They have been authorized by our Board of Justices to receive and consider, at intake, all neglected children and others who come within certain categories of delinquency, (a) to determine which of them, if any, may presumably be successfully treated out of court, and (b) to refer the case to some private or

public agency whose services meet the needs of the child. This work of the adjustment bureau is official in our sense of the term. Furthermore, this work is "casework" only in the limited sense of selling the client the idea of cooperating with the bureau in its planning. The casework is actually done by the agency to which the case is referred. But however you describe the work of the adjustment bureau, its jurisdiction is limited and wisely so, I believe. Some would give the intake agency a free hand; others believe that every case should go to court. To the latter group, the authority granted our adjustment bureaus by our judges may seem to be an illegal deprivation of vested rights of the child. Every person has a right to go to court. In fact, Section 71 of the Domestic Relations Court Act of the City of New York provides that anyone who has information that a child is neglected or delinquent may institute a proceeding in the court by filing a verified petition. The Children's Court Act of our state has a similar provision. It is impossible for any intake service in the state of New York (and elsewhere, as far as I know, except perhaps in California) to arbitrarily refuse his "day in court" to anyone who demands his right to make his complaint to a judge. Accordingly, our adjustment bureaus must sell the prospective petitioner the idea of an out-of-court adjustment. Fortunately for everyone concerned, it is seldom that any degree of salesmanship is required.

The question arises, why divert cases from the court? The philosophy of penology has undergone a great change in recent years. Today, in cases of adults, even where the punishment concept exists, we talk about the punishment fitting the individual instead of the crime. We go further. We believe that it is not enough to temper justice with mercy. Mercy can be static. Justice, to be even-handed, must be militant, must invoke on behalf of the offender knowledge of the social sciences and the facilities needed to implement that knowledge to

the end that even the adult who has committed a number of offenses may be reclaimed for usefulness to himself and to society.

Certainly when it comes to children who violate social concepts, we no longer speak of punishment. The object of everything we do is to salvage—to reclaim. Thinking along this line has become so scientific that we now know that for some children the very application of law can impede, if not defeat, a program of rehabilitation. This thinking has gone into action in our city. We now have a psychiatric clinic which furnishes diagnostic and treatment services of the finest character.

Do not mistake me. I believe in law enforcement. Man being what he is, often thoughtless and indifferent to the rights of others, must be controlled in many of his activities if the rights of others are not to be infringed. Society has not yet found any substitute for law as a preserver of order. And I certainly believe that the children's court, with its authoritative approach, is essential for children who will not accept treatment on a voluntary and cooperative basis and who cannot be treated in their own environment because the parents have utterly neglected the child or refuse to accept or cooperate with prescribed treatment. There are other cases where the authoritative approach is definitely indicated. They range all the way from that of the mistaken parent who refuses to call in a surgeon to that of the emotionally disturbed child who refuses to accept treatment and persists in serious antisocial conduct. In such cases there can be no substitute for a court. Parents often resent and sometimes refuse to accept sound advice from a private agency, but they will abide by the considered judgment of a court.

Commitment of a child to an institution without parental consent, no matter how beneficial to the child, involves primary parental rights so sacred that such commitment is intolerable except as the solemn action of a court of law, after due trial and in the lawful exercise

of its jurisdiction. In such cases where the judgment of the court abrogates a right, a liberty or a privilege, constitutional safeguards for the protection of the individual must be scrupulously observed.

Authority and the authoritative approach also are indicated, in some cases, from the strict standpoint of case treatment. Private agencies are today using this court increasingly, recognizing that the law itself is a useful therapy for many of their practical difficulties. John Slawson, an authority in the field of child guidance, writing on the authoritative approach in social casework in the field of delinquency for the *American Journal of Orthopsychiatry,* said:

"Authority, therefore, may become a very useful tool in social casework in general and in casework in the official field in particular. When diagnostically initiated, it is not a negative tool employed because of expediency or futility, but can become a positive approach ranking in validity and effectiveness with other treatment approaches currently in use."

For some children authority is an irritant. Unfortunately for them, it must be invoked before you can inject therapeutic doses of sincerity and kindness. Picture the child who has figuratively and sometimes literally been beaten around from pillar to post, his life a series of mandates, reprimands and punishments. He has met this business of authority on every corner. To him it is common and cruel. Generally he hates adults and the adult world. For such a child, voluntary services are ineffective. Yet, generally speaking, society has nothing to offer such a child but treatment in a controlled environment.

Except for the children involved in the situations mentioned above, a court appearance does a child no good. Certainly where the child is reclaimable, where there is cooperation and where treatment facilities can be found outside of court, a court appearance is unnecessary.

Selectivity

A simple formula may serve as a yardstick for the court. Determine in each case whether the treatment-objective can be attained on a cooperative basis outside the court. If so, such treatment should be obtained for the child.

Back in 1936, after I had been doing considerable thinking along these lines, it seemed to me that the time had come to initiate some selectivity at intake, at the doors of our courts, which would save children from an un-useful court experience. I was considering the welfare not only of these children but also of the children who had to come to court. At that time, our court was staffed by only eleven judges, who were presiding over the hearings in five courts and in our five adult family courts as well. In 1935 about 10,000 cases of delinquent and neglected children came into our courtrooms. Court calendars, which included new cases of neglect and delinquency, other cases involving children, and rehearings in old and new cases, ran between 60 and 100 cases daily. Obviously, no judge could do justice to the individual child while under the pressure of such a calendar.

Such an intake service had to be manned by competent probation officers, to whom would go a heavy responsibility in their right to determine whether a case should or should not go to court. Most important of their other responsibilities, from the public standpoint, would be determining whether or not a boy could return home while his case was being looked into. We had to guard, and guard carefully, against mistakes in judgment. Public safety was involved and bad publicity resulting from mistakes could injure public sympathy for children's courts and their work and could harm constructive programs such as the one at hand. A judge can make a mistake and release a vicious boy who may go out and immediately commit a heinous offense. Recently three boys were released by the judge because there were no beds avail-

able for them at our detention home. That same night these boys went to a public school, broke in and destroyed many thousands of dollars worth of property. An indignant citizenry and the press were prepared to condemn the judge until they learned that he had had no alternative. But if a probation officer to whom a judge, however well intentioned, has delegated his own responsibility, makes such a mistake, public opinion may be far more critical.

The discretionary authority of probation officers at intake should be limited to the less serious cases. Greater discretion cannot be given in a metropolitan center such as New York, where the pressures on children are so great and their disturbances so deep-seated that they constitute a far more difficult problem than do children of rural areas. Also the opportunity for a child to hide and conceal himself and to escape detection is so inviting in a great city as to enhance the temptation to commit further offenses.

We, in effect, summed up our program in 1936 by naming our agency the Bureau of Adjustment. Adjustment meant to us adaptation of the child to normal life by out-of-court treatment of the causes for his disturbance. The following plan was presented to our Board of Justices for approval. This plan was approved, made official, and was subsequently incorporated as Rule 6 of the rules of practice of our court:

Function of the Bureau of Adjustment

a) The Bureau of Adjustment will endeavor to afford complainants and prospective petitioners in cases specified herein an opportunity to have the cases of children whom they bring to the court, adjusted, if desirable and possible, without court proceeding.

b) Only cases falling within the following categories shall be referred to and may be considered in the first instance by the Bureau of Adjustment:

1. All cases of children in which neglect or destitution is alleged.
2. Cases in which court action is sought for the first time by a summons for an alleged delinquency, which, if committed by an adult, would be below the grade of a felony.
3. All cases where delinquency is alleged for the first time and the complaint is made by a parent or guardian of the child or children involved.
4. All cases where truancy is alleged for the first time.

c) In the foregoing cases it shall be the duty of the bureau:

1. To ascertain whether the case is susceptible of adjustment without the necessity of a petition and a court hearing.
2. To plan for and assist in the adjustment of any child in question or arrange for its supervision in cases coming within the above categories where practicable and desirable.

d) Where the Bureau of Adjustment is of the opinion that a case before it is one for adjustment hereunder and where the prospective petitioner consents, no petition involving the child shall then be drawn.

e) But where such consent on the part of the prospective petitioner is lacking, the facts of the case shall be presented to the justice presiding in Part I to obtain his guidance and instructions before a petition is drawn.

f) The Bureau of Adjustment is to consist of the following:

1. One or more probation officers regularly attached to this court, one of whom shall be chairman, together with such other competent persons as may be invited by the presiding justice to serve thereon

from other public departments concerned with the welfare of children.

2. All opinions of the Bureau of Adjustment shall have the approval of the chairman. In the event of the disapproval of the chairman, the facts of such case shall be presented to the justice presiding in Part I of the court for his decision.

3. In the making of investigations and in the supervision of out-of-court adjustments and in the assisting in such adjustments, all of the facilities of this court together with those of appropriate public and private agencies shall be available and may be utilized.

4. The Bureau of Adjustment will not hesitate at any time to consult informally with the justice presiding in Part I, with respect to any action under consideration by the bureau, where there is doubt with respect to the decision to be made or action to be taken by said bureau.

5. In any case classified hereunder where the detention of the child is indicated as necessary pending investigation, the facts shall be presented by the Bureau of Adjustment to the court for the decision of the court as to whether a petition shall be drawn.[1]

6. The Bureau of Adjustment shall also accept for adjustment in addition to the cases before mentioned, any case appearing before the court which the justice presiding may deem a proper case for such referral.

7. And if any such case shall be referred by such justice to the bureau, the petitioner consenting, the petition in such case on order of the said jus-

[1]Cases needing shelter care are now referred for formal court action or to the Department of Welfare, Division of Child Care, for shelter care as part of the treatment of the whole case.

tice may be withdrawn and the case stricken from the records of the court.[1]

Thus we organized a bureau to offer an out-of-court casework service, at the point of initial contact with the court, to certain parents or applicants as specified in the rule. The function of the bureau is to assist the parent in selecting from among all the available community resources that service which will most completely meet the needs of the situation. An attempt is made to discover the desire and ability of the family to use help, and to aid the parent in deciding what agency, the court included, can best assist him. The bureau can function only with the consent of the parent or applicant. No complainant can be kept out of court against his will.

The bureau is also available to agencies in the community for consultation on specific cases which they are considering for possible court process. Basic to acceptance of a case for this kind of service must be the belief that both the child and his parents will cooperate.

Appointed to each borough bureau were a probation officer, a representative of the board of education and a representative of the Juvenile Aid Bureau of the police department. During the war the board of education withdrew its representative. Today the Juvenile Aid Bureau has, in each of our bureaus, a worker who is highly trained, a graduate from a school of social work with a wealth of experience. The police department of New York is doing a splendid job in the preventive field and is rendering treatment service to many of the court's cases. With a probation officer and a police worker conferring, we have a fine basis for agency cooperation.

Modification of Practice

After these bureaus had been functioning for a while, we had to clarify and modify some of our practice rules.

[1]In a later memo from the presiding justice to all the justices it was agreed that these cases be not dismissed but adjourned, pending study by the bureau, and reported back to the court.

One important modification provides that neglect which results from drunkenness, immorality or mental incapacity must be referred immediately to the presiding justice for him to determine whether the case goes to court or remains with the bureau.

In 1936 when the bureaus had been operating for only nine months, intake into the courtroom dropped from the previous 10,000 to less than 8000. The next year the number had decreased to 7500. In 1938 the bureau disposed of the cases of 5867 children who went there in the first instance. Of these, 24.7 per cent were sent to the court, 26.7 per cent were referred to public agencies, 14.9 per cent to private agncies, 26.2 per cent were closed without referral, and 7.5 per cent were terminated as information service cases.

As a result of the increased emphasis on preventive work in New York City under which the less disturbed children are being identified and cared for in the community without court referral, there has been no increase in court cases proportionate to the increase in population during the last fifteen years. In fact, there has been an actual decrease. Last year, only 7100 children reached the courtroom. But the number of more serious cases was larger than ever before.

This community work has resulted in a decrease in the number of cases considered initially by our bureaus. Last year there were only 2500 such cases and of these, 900 or 36 per cent were referred for petition. This means that fewer trifling cases are coming to court or even going to the bureau today. The bureau fills a real need in the court organization by providing an opportunity for many parents and complainants to discuss with trained personnel the needs of the children, the ability of the court to assist them, and other agencies in the community which may be able to provide the service required. It protects the court service from indiscriminate use by the public, thus reserving the authority of the court for those particularly acute and serious situations in which

its power can be used most effectively. It is a link with cooperating agencies, both public and private, in the community, able to interpret the services of the court and guide agencies in their use. Our bureau does not forget a case referred to another agency. We want to know what the agency is doing, and we receive progress reports on the case at stated intervals. It will be seen that a worker in such a setup must have a wide and exact knowledge of intake policies and services of other agencies. The program also involves a degree of salesmanship.

Here is a case typical of those for whom court action was obviated. It illustrates the manner in which the court integrates its services with those of public and private agencies.

Mrs. A. brought in her daughter Marie for consultation. The girl, fifteen years of age, was a superior child and had been well behaved until the preceding year and a half when she had frequently truanted from school, had stolen money from home and had purchased candy, admittedly dangerous to her health because of a serious diabetic condition. She was said to be untruthful, to stay up very late and to defy her mother's instructions and admonitions.

The worker learned that Mrs. A. had always held up Marie to her friends as a superior child. She had signed a contract with a local department store for the girl to model children's clothes and had interested an artist in using Marie occasionally as a model. These arrangements were upset when Marie suddenly developed a severe diabetic condition which necessitated hospitalization for several months. The girl was deeply disappointed. However, shortly after her return home the artist offered to hire her. Marie was enthusiastic but her expectations were dashed when her dentist found that she required special orthodontia necessitating wearing two braces. The opportunity to model again was lost. The girl became discouraged.

Marie was an attractive child. She realized that she was doing wrong, but said she didn't care whether she lived or died. She had begun to suspect that her mother didn't love her. She believed her chances to model had all passed.

Because of the apparent need for psychiatric service and the possibility of a long term contact with someone upon whom the mother could depend for developing a better and more understanding relationship with Marie, the worker arranged an appointment for the mother with the local private family agency. Mrs. A. and Marie continued under care of this agency and the last report to the bureau stated that provision had been made for the girl's treatment in a hospital giving concurrent medical and psychiatric treatment to child diabetics. The hospital period was followed by a stay in a camp for child diabetics. Marie adjusted well to other children and to her own handicap when she learned that hers was not a singular and isolated situation. Improved emotional and physical condition made her happier at home and she resumed normal relationships and activities, including work as a model.

Not a Treatment Agency

In our adjustment work there are some cases which can be handled without referral for treatment. But if the bureau is to retain its integrity as a diagnostic and referral agency, the temptation to carry on treatment should be shunned. Skill is needed for interpreting to the client the need for long term treatment and the services of a private agency. This is in itself casework. The worker should limit himself to this area.

What we have done in this matter of out-of-court adjustment has been of a limited nature for the reasons stated. I repeat, I am all for sparing children the experience of going before a judge. Aside from those treatment facilities which a court and only a court can

invoke, I do not believe that the courtroom exerts any real constructive influence on a child's character. For most of them who stand before the judge, he is merely the elongated shadow of a cop. Generally the child is too dazed and numb to know what is going on or to understand what is said to him. Counsel, even though wise and friendly, is never accepted in life except on a basis of confidence, and it takes more than one or two interviews to reestablish in most of these children any confidence in an adult. Some children can accept a court appearance with equanimity. Others, I know, find it a terrifying and traumatic experience. However kindly and well-intentioned a judge may be, there is something in any judicial setting and atmosphere which intensifies the crisis for the child.

Some courts feel required to hold an initial hearing and make a temporary disposition as soon as the child is brought to court, in advance of a full social investigation. In such courts, I believe there should be at intake an initial interview with the child and the parent by a skilled probation officer, one with psychiatric training if possible. We must remember that children coming to court do not fit into any single mold. They are unhappy, rejected, withdrawn children, hostile and aggressive children, children who may be mental defectives, psychoneurotics or psychopathic personalities. They necessarily need differential treatment. A preliminary interview by a professionally trained worker prior to the court hearing would clarify to the child and the parents the meaning and purpose of the hearing and would reassure and support them in the experience. These interviews would afford opportunity to secure significant history material and to assess the potentialities of the situation. Thus the interview would assist the court in making an initial disposition and might bring to light for the judge important factors which would not otherwise come to his attention at the time. I remember that in recent months I was sitting in Man-

hattan for a two weeks period and I gave directions that a trial run of this system of interviews be made while I was in that court. The interviews were aimed at ascertaining what helpful information might be developed. I was not to be given the information until I had exhausted the usual hearing techniques to see what I could develop unassisted. I recall one case of a quiet, young lad whose mother sat by his side. She was apparently an accepting, understanding parent, tender and helpful. I believed that the nature of the boy plus a good home justified his release pending a complete social investigation and I so acted. Later, when I checked my action with the information derived from the preliminary interview, I found that this boy had been utterly and completely rejected in his own home; that in fact at the preliminary interview the mother had arisen from her seat and attempted to beat the boy over the head with her umbrella. It is obvious that such a preliminary interview plan would be of the greatest aid to the court at the initial hearing. It might well result in sending many more children to the adjustment bureau for referral to another agency for treatment.

Casework in the Juvenile Court

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WANTED: Probation officer for juvenile court. Duties include hearing of delinquency cases, oversight of delinquents on probation, serving summonses, etc., for the court, and transporting delinquents to correctional schools.

WANTED: Youth counselor to represent the juvenile court in rehabilitation of delinquent youth through services of recreational, religious, school, clinic, and social agencies. Must be qualified by experience and education to understand behavior of youth, to cooperate with professional personnel and to assist parents in dealing with problems of children.

These hypothetical advertisements might have been prepared by two different courts. The diverse wording suggests that they have issued from courts operating along different lines, one where the duties of the probation officer are circumscribed so that he becomes an aid to the court; the other where his function is defined as helping the child or youth involved in some delinquent pattern of activity, thus serving as a caseworker within the framework of an agency discharging both judicial (court) and administrative (social agency) responsibilities.

We shall explore what the applicant for the latter position would meet, what attitudes that court holds toward the delinquent, what resources the probation officer might be expected to use, and what relationship his duties would bear to the judicial function of the court. Our thesis is that casework services are essential in the juvenile court, that they can and should be the basic skills associated with unofficial handling of cases, and

that they increase the value of the court's services to youths, to their parents, and to the community.

In its pure form casework is a helping function extended to persons in a completely voluntary relationship in which the only authority possessed by the caseworker is that which emanates from his skill in understanding people, their needs and motivations, and the factors which significantly affect them. Developed primarily in close proximity to problems of poverty and economic need, casework has acquired recognition as the most distinctive process of social work. Its skills have been employed in many places where persons in need have required aid or special attention without relinquishing their responsibility for their own direction. Indeed, social casework presumes the ability to make choices, although it also readily recognizes that at a particular moment or period of time in anyone's experience there may be serious interference with one's ability to exercise judgment with objective wisdom and without fear. A host of services have been improved by the use of casework skills, for these skills have been the means of separating the individual from the group, assessing his personal needs and capacities, and where the latter were sufficient, enabling him to mobilize enough strength and courage to demonstrate new worth, self-esteem and capacity.

Social casework commonly conceives its responsibilities as studying to understand, influencing to adjust, and acting to bring individual and social improvement through the identification of specific needs and fulfilment of them. For some persons this means meeting the everyday physical needs of life; and for others, satisfying intangible but essential emotional needs. Casework does not depend upon an impelling authoritative relationship for the accomplishment of its ends, but in aiding youths and their parents to respect the limitations of legal regulations, casework can operate within the authoritative setting of the court. To quote Kenneth Pray, writing in the *Social Service Review* several years ago: "To

assume or to contend that social casework with delinquents, if it is to have any place at all in the process of their treatment, must be separated from authority, must be divorced from all enforced limitations, is to rob the service of its most important dynamic—a vital, candid facing of reality—and it is to frustrate in advance its primary objective—namely, to help the individual delinquent to accept and to deal responsibly with the whole of that reality, including its inviolable limitations."

What are the goals of probation officers in the juvenile court? They are:

1. *To afford the child full protection.* Acting as an administrative agency under its designation as the ultimate parent of the child, the juvenile court is empowered to do many things for children and youth that courts cannot do for adults. It can consider the needs of the child as paramount and his deeds as merely symptomatic of these needs. It is directed, wherever possible, to proceed informally and, as many juvenile court statutes provide, to secure for each child under its jurisdiction such care, guidance and control, preferably in his own home, as will serve the child's best welfare and the best interests of the state.

2. *To exempt the delinquent child from criminal procedure.* Private hearings, detention apart from adults charged with or convicted of crimes, hearings before referees, and other provisions of juvenile court acts are devices to this end which also shield the delinquent from the damaging effects of publicity, resulting perhaps in a totally false status of popularity among his peers.

3. *To acknowledge the responsibility of cultural, i.e., societal, factors in delinquency causation.* Adverse factors in family life, community conditions, conflicting cultural ingredients, the pressures of his particular group, and destructive leadership, all may create deviant behavior. All are terribly important in their influence upon the conduct of immature persons.

4. *To assist, not condemn, young persons who have not succeeded in managing the complexity of forces to which they have been exposed.* Simple immaturity, natural incapacity, unrewarded searching for acceptance, and damaging failures in the normal experiences of youth may produce behavior which we call delinquency. Children are not responsible for these circumstances and neither must children be required to bear the full responsibility for the behavior they yield.

Accomplishment of these goals by probation officers in a juvenile court starts with the acquisition of facts about the child and his environment; it requires that the child's special needs be ascertained; that the effects upon the child of his family relationships be appraised and that the worker have the ability to communicate in an easy manner with the child and to obtain relatively free response from him. Identification and control of harmful community factors affecting the child's problems are also very important in the probation officer's duties toward the delinquent.

Similarly, casework process[1] emphasizes individualization as the basis of understanding and planning, taking into account the peculiar and dynamic complex of forces which create or dominate the particular setting of a person, as well as how he regards these forces. Also, casework requires numerous contacts between the person seeking and the person offering help. Casework, moreover, is a service, not a threat to the person needing help. It allows the aided person to maintain dignity and to retain the right of self-determination. The client

[1]That casework can be practiced within the authoritarian setting of a court has been discussed on numerous occasions and excellent articles are available on the subject, such as: 1942 Yearbook of the National Probation Association, "The Court as a Case Work Agency," by Peter Geiser; "Social Case Work in Probation and Parole," by Gladys E. Hall; "The Value of Case Work to the Probationer," by Robert C. Taber. *American Journal of Orthopsychiatry*, October 1938, "The Use of the Authoritative Approach in Social Case Work in the Field of Delinquency," by John Slawson; October 1945, "Freedom and Authority in Adolescence," by Hacker and Geleerd. *Federal Probation*, June 1948, "Probation in Casework," by Ben Meeker; "The Role of the Probation Officer in the Treatment of Delinquency in Children," by Hyman S. Lippmann; December 1949, "Family Casework in Probation," by David Crystal. Also pp. 418 ff. in *The Challenge of Delinquency*, by Teeters and Reinemann; and chapters XIV to XVII in *Social Treatment in Probation and Delinquency*, by Pauline Young.

soon learns, of course, without suffering any planned or intentional lesson from the caseworker that reality itself is a stern commander, and that it sets limits beyond which living becomes uncomfortable and sometimes virtually punitive. The caseworker can help the client realize this situation and deal with it, but he cannot mitigate the severity of the reality itself.

Casework Values for Probation

So the tasks of the probation officer in a juvenile court and those of the caseworker, whose labors are spent in the type of agency which does not limit its services to so-called deep therapy, are quite similar. It must be recognized, however, that the characteristics of the court in which the officer is employed may greatly affect the degree of similarity, for while the authority of the court may be the counterpart of the reality which the caseworker and his client have as their framework, it can be even a more restricting factor and can altogether preclude the skills of casework which require an atmosphere of considerable permissiveness and freedom of choice. When probation services in investigation and supervision can and do employ the skills of casework, unofficial procedures in the juvenile court have many values. By "unofficial casework" we mean casework backed by dispositions made without the filing of a complaint or petition resulting in a hearing before the judge. Hearings before the judge are in this procedure reserved primarily for commitments to protective, diagnostic, or training institutions. In carrying out such a plan, casework has notable usefulness.

An important value which casework offers to the court is the securing of knowledge of the whole circumstance affecting the child whose problem is before the court, knowledge quite necessary for the court to make intelligent decisions without depending upon impressions or being moved by biases. Such investigation, properly re-

corded, furnishes the court with a diagnosis by direct observation and with significant data about the child's relationship with his parents and with his peers, so that a real appraisal can be made.

If the investigator has the status of a qualified caseworker he will have access to the findings and experience of other agencies in their work with the child and his family. The collaboration of these other agencies in developing plans for the child is of value in the community's total concern about the prevention of delinquency. The partnership of agencies produces results which even the best prepared staff of probation officers working alone could not equal. Discussions which take place through this collaborative procedure can, and mostly do, precede the official hearing about the child's problem and are usually given to the court as recommendations at the time of the hearing. Agency representatives who participate in the conferences are in a position to bring to the program developed for the child the particular aids and resources which their agencies can offer.

Information for the court's guidance comes also from community forces and their impact upon the child. Without adequate investigation by a worker making contact with those persons in the community who have observed the child's actions at first hand, it would be difficult for the court to learn about the unfavorable and possibly hostile community forces which impinge upon the child. Deviant behavior is often correctly characterized as normal behavior in an abnormal situation, in circumstances calling for examination of the setting in which the child has been behaving, rather than of the behavior itself. Behavior of an abnormal nature in a normal situation may also occur. The court would then direct its attention to correcting the abnormality where it actually occurs.

With casework orientation in unofficial procedure, court services are therapeutically focused. Not only do probation officers collaborate with other social workers,

but casework is often closely allied with other professions in diagnosis and treatment. Indeed, social work has been described as "somehow a response to the inadequacies of other institutions and the inability of persons to make use of them."[1] Members of other professions often depend upon social caseworkers to supply them with the information they need to understand and prescribe for the ills with which they deal. The pediatrician, psychologist or psychiatrist gets a tremendous assist from information submitted by the caseworker. The casework-trained probation officer becomes a member of the treatment team that carries out a plan of rehabilitation.

The probation officer is interested in the family because it so greatly affects the behavior of its junior members. In his defensiveness about his family's difficulties a child may be extremely loyal to even very inadequate parents. The services of the caseworker in evaluating family factors may, therefore, be the only means of obtaining this information with accuracy. Follow-up work that will really utilize the time and effort of clinic and other specialized personnel who have seen a delinquent youth, likewise rests upon the cooperation of these professional representatives and upon people who know what to do about their recommendations.

Excellent work by a clinic can be reduced to mediocrity if there is no agency able to develop the clinic recommendations. The ideal of an available service or specialized placement for every specific problem is probably only a dream in the best equipped community. However, the casework service of the probation officer fosters an awareness among agencies of the need for specialized facilities to meet the variety of problems which appear in a juvenile court. To be sure, compromises have to be made, but such gross errors as the placement of a sex deviate in an ordinary congregate institution with no specialized treatment, or the prolonged residence of the

1 Witmer, Helen L., *Social Work*, New York, Rinehart and Company, 1942

child in an institutional setting when foster home placement is called for, can be avoided.

Every plan and every decision of a juvenile court, whether official or unofficial, is made with the expectation that it will further prevention of later delinquency. This is true whether probation supervision is employed or commitment to some institution is made, or whether some other program is developed for the child. Casework which precedes the decision of the court in its hearing will determine the direction of these preventive efforts.

The child's tendency is to erect defenses for his acts, which may have little meaning in terms of the motivation underlying the acts. According to many explanations of the causes of delinquency, the child's act supplies an important need. One youth may steal for the means to purchase the attention and friendship of other youths, another because he can find nothing better or more challenging to do. Some may steal because their status in a particular group depends upon their participation in such activities, others may steal for reasons quite apart from any of these. The special needs of children are being served in an unwholesome way by their delinquent acts and it becomes the responsibility of the court to ascertain how the same satisfaction may be obtained through other and more acceptable channels.

Demonstration of Casework Use

These values have been demonstrated in many years of experience in the juvenile court of Hamilton county, in Cincinnati. The following hypotheses are implicit in the juvenile court program of this county as a result of the often expressed objectives of a humanitarian judge who has been rewarded by long tenure. Three all-inclusive principles of this court are:

1. That it exists for the conservation of human values through the protection of children from potentially damaging experiences, and always concerns itself with the child and his family.

2. That no child shall be brought to trial to face prosecution, to enter his defense, or to be found either guilty or not guilty by the court.

3. That a general atmosphere of non-punitive interest in children's problems shall prevail throughout the court's operation. The staff of the court lives by these principles.

A very practical consideration has been instrumental in keeping the procedure informal. This being a domestic relations and juvenile court, much of the judge's time has been demanded by problems of divorce and alimony. He has found that the only expedient way of handling delinquency problems is to delegate that work to referees and to probation officers who work under the referees. In practice the hearings which would normally come before referees are usually handled by the probation officers as interviews with the boy or girl, the complainant, and the parents. This procedure has evolved after long and persistent stress upon the validity of the foregoing principles, which members of the bar and social agencies have accepted.

Occasional disagreements with attorneys occur over the question of their right to defend a child, and attorneys who have had little opportunity to observe the operation of this court sometimes feel bewildered and inhibited in this informal setting. The right of a child to counsel is never denied, but engaging a lawyer to prepare a defense for a juvenile is regularly discouraged without any jeopardy to the child. Many members of the bar have come to realize that what is done by the juvenile court is as advantageous to the child as anything that they could recommend. There are no pleadings, and in accordance with the intent of the Ohio Juvenile Code, the court considers the child's total problem rather than the mere question of his involvement in a particular incident. The informal consent of lawyers and their deference to this type of procedure is frequently acknowledged and commended by the court. Lawyers are encour-

aged to keep the relationship as it is for the obvious reason that if it did not remain so, the present informal mode of operation with the advantages which it offers would be quite impossible.

Official complaints filed in delinquency matters were only six per cent of the total number of juvenile delinquency cases handled in the five year period ending in 1950. In other words, dispositions were made in ninety-four percent of all delinquency cases during this period in unofficial hearings without the filing of complaints. Within these years the highest percentage of official dispositions (7.5) was in 1946. In five years this court has committed 355 delinquents, or two per cent, to state training schools out of 17,180 cases; 299 others were committed to other protective institutions.

Special Preventive Service in a Court Set-up

A significant development of the last three years attests to the community's acceptance of these principles. For a number of years prior to 1948, the city welfare department had a unit staffed with social caseworkers, who regularly received reports from police and other sources on children involved in minor types of misbehavior. Children referred to this department were usually of very tender age, and their misbehavior was in the form of pranks or irresponsible or thoughtless annoyance to neighbors or other persons. The principal purposes of this unit were two-fold: to serve the police officers who were often bewildered by these seemingly minor problems and did not know how to deal with them, and to identify deviant behavior that could be corrected by trained persons. Although this unit emphasized referrals to casework agencies in the private field, a small staff of trained persons was assigned to handle those cases which, for one cause or another, were not accepted through the usual referral channels. Records were kept on these cases and the usual social work principle of confidentiality was applied to them.

In 1948, when the city withdrew from several fields of social work activity, the city manager announced his intention of closing this unit. The Council of Social Agencies, however, considered this a valuable service in the community and requested that it become a unit within the juvenile court. When the court indicated its willingness to assume this additional responsibility, provided that financing was furnished, the council approached the county commissioners and obtained the necessary funds. The referral emphasis has been maintained and the service continues to be completely unofficial. This unit maintains close working relationships with the probation department but those parts of the probation or confidential record which are prepared by this preventive unit are distinguished from the rest of the court record by the use of distinctively colored paper. This decision, giving the juvenile court responsibilities in the preventive field with predelinquents, reflects community confidence in our unofficial casework.

Casework is practiced in several operational areas of our court. A typical casework attitude free from condemnation and blame is needed to prepare the child for the detention experience which often lies before him. The intake officer receives from the police officer at the time of the child's admission to the detention home as much information as possible about the incident in which the child has been involved. The police officer then usually leaves, and the intake officer proceeds to determine whether it is necessary for the child to remain in detention. In an unhurried interview he invites a free expression from the child as to his circumstances. This is not an effort to pin blame on the child nor to ascertain guilt or innocence, but it is a real effort to demonstrate at once the non-punitive nature of the detention home and the contacts with the probation officer which will follow, to relieve the child's anxiety and fear, and to obtain as natural an expression from him as possible. At this time some of his questions about the detention

home and what he may expect can be answered.

The next area in which casework is utilized is an inquiry into the significance of family and community factors to the child in his delinquent experience. This is much more than an inquiry to ascertain whether or not the child was involved in the delinquency incident as charged, although the right of the child to dismissal if he is not involved as charged is never overlooked or ignored.

Casework practice is then used in the preparation of material for the clinic, in preparation of the child to accept clinic service and in the probation officer's participation in a clinic conference to form a suitable plan for the child.

To prepare the child to accept the disposition, especially if this involves separation from parents, to provide proper follow-up service after disposition, and finally to see that an adequate record is kept, are requirements of good casework practice. Case records serve a variety of purposes. Since ours is a domestic relations and juvenile court, its jurisdiction extends over divorce and alimony, custody of children, failure to provide for minor children, counseling in problems of domestic difficulty, actions on behalf of children in petitions of dependency or neglect, qualifying crippled children for state services, and delinquency. Services rendered under any of the foregoing responsibilities of the court are recorded separately according to the problem. All items pertaining to a particular family are kept within the same jacket and are drawn for use of any of the court's own departments. In the preparation of summaries or of social histories or at other times when the family circumstances need to be viewed as a whole, such records are invaluable.

All cases in which the court becomes active are cleared with the Social Service Exchange, the clearing slips are attached to the jacket of the record, and in divorce matters, requests are made of key agencies in the community for summaries of their contacts with the family.

Summary reports are filed by letter to inform the court in advance of the hearing of the divorce as to the nature of that agency's contact.

Perhaps the most significant aspect of casework emphasis is that the juvenile court is accepted as an agency in the social work structure of the community. In truth, its function as a judicial tribunal occasionally is lost sight of and it is regarded as an agency comparable to other child protective agencies. It has also been given representation in the social planning councils of the community. Scarcely any social planning focusing attention upon the needs of children does not call upon the court for representation and consultation.

Moreover, the juvenile court enjoys equality with other agencies. Its special services, resting upon its characteristic as an authoritarian agency, are not infrequently utilized by voluntary agencies whose efforts within a totally permissive framework have failed. When the well-being of children is at stake, the court does not hesitate to use its full authority.

Because of the emphasis of the court upon unofficial casework, there is less reluctance to make referrals early enough so that the court can apply preventive measures. It appears that fewer dispositions are made outside of the court in cases of children presenting problems than is true elsewhere. In some communities, for example, reports show that police departments dispose of larger numbers of problems and refer a smaller percentage to the juvenile court.

Finally, a more comprehensive service is provided for children in a court structure like ours. Individual attention is given according to need, and stereotyped dispositions are kept to a minimum. Special diagnostic and treatment services for children and families are accelerated, because an alert staff communicating needs which they observe to community planning groups keeps these needs and the means of meeting them closely coordinated. With close liaison arrangements between those

who observe the problems and those who plan to overcome them, any need for community planning for prevention is readily revealed.

Probation services in both investigation and supervision are significantly upgraded by the employment of casework methods. There is no disposition to assume that casework be used to the exclusion of other skills, but it becomes an important support and addition to other skills which explain human behavior and attempt to guide it into wholesome and satisfying patterns. A probation officer who employs casework skills does not become a threat to a child by an overbearing authority, but he may be called upon to exert authority at certain times on behalf of the child. As a caseworker, he adds to his quality of service his knowledge of and collaboration with the skills and resources of other agencies and professions, whose acceptance of him and the problems he deals with is greatly aided by his own professional status and competence. In such a role none of his authority needs to be sacrificed, and the variety of skills and services to which he has access will magnify his usefulness on behalf of children.

Counselor-Child Relationship

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ASSIGNING the subject of relationship between the probation counselor and the child coming into the juvenile court implies, I believe, that new values have been developed and recognized by probation counselors and that these values are psychological in nature as opposed to economic, religious, moral or sociological ones which have long dominated our approach to delinquency. The very title of this paper attests to concern with the meaning of relationship. I take on the task of isolating this interest, first, by discerning from past experience what has led us to a focus on relationship; second, by analyzing the psychological and emotional components of relationship itself as we see it in the family court; and finally by considering the meaning this content has for the probation counselor. This paper will not be concerned with the details of therapeutic process stemming from the point of view we have worked out.

Parenthetically I would like to insert that as I prepared the material on the development of an emphasis on relationship, I was struck by the parallel between the historical movement and the personal progress in each of our counselors who comes to the job without professional training. The untrained worker seems to recapitulate or pass through the several stages of understanding which I will describe. He begins his job with a set of beliefs, attitudes, and connections based on his own life experience. In time, however, these beliefs and connections are broken up and replaced by more dynamic and purposeful concepts. In a similar progression, probation itself and even the community's attitude has evolved under the impact of experience, increased un-

derstanding, and thoughtful application to the task at hand. The substitution in some jurisdictions of the term "counselor" for "probation officer" (though agreement on this is by no means general) is indicative of this change in our thinking. As you follow through with this material you may well find yourself reviewing your personal history of development as to ideas, philosophy, and ways of working.

Historical Concepts of Relationship

As we look back over the past fifty years it is quite clear that probation counselors are no longer dealing with the concepts, values, and facts of 1900. We have discovered new facts and created new values as we come closer to the human beings who appear before us. To articulate these values and to define them precisely in relation to other values is a task with which we are still engaged. The problem, however, remains constant. What is to be done with this individual who behaves so badly in his home and his community?

The earliest methods of dealing with delinquent children in a juvenile court stemmed from a conviction of the importance of their environment, a feeling of pity, and a sense of moral responsibility. Children were to be rescued from adult criminal procedure and approached in kindness and with genuine concern for their welfare. Delinquent children were to be inspired with self-respect and encouraged to industry and thrift. Their minds were to be stimulated and they were to be taught to take care of themselves so that the community might be released from the exactions and dangers of their antisocial behavior. This point of view, however, soon yielded to the need to reach the ***individual*** child. From the consequent struggle developed a two-sided attack: 1) an effort to analyze and control the causes of delinquency on the environmental side; and 2) an effort to analyze the causes within the individual. The first implied the discovery and amelioration of factors in the

environment itself which seemed to bear on the individual's misbehavior; the second implied the discovery of character defects or deviations from social norms which likewise bore relation to the child's conduct.

Under the stimulus of psychology and psychiatry came additional insight. Some thirty-six years ago Dr. William Healy's notable work at the Juvenile Psychopathic Institute in Chicago laid down the broad principle that those who would be concerned with delinquent juvenile behavior, which was of symptomatic nature, would have to search for the physical, mental, and social facts behind the symptom before treatment could be effected. Probation counselors have labored diligently in this direction ever since, either out of their own conviction or because their court believed this task was their primary if not their sole responsibility. It became axiomatic that the probation counselor's first duty was diagnosis. In the light of the psychology of this period diagnosis was seen as an attempt to arrive at a more exact definition of the social situation and the personality make-up of the child. Diagnosis began with the gathering of social evidence. Critical examination and comparison of this evidence resulted in interpretation and definition of the social difficulty. With much argument over the reliability of social evidence, specific steps were laid out by which social histories might best be developed from interviews with the child, the parents, employers, schools, neighbors, the church, etc. The successive events of the individual's life could thus be laid bare and the key to the solution of his difficulties found. It was further evident that the family group was the unit of study.

Obviously the probation counselor had in this task to maintain a quality of relationship with the child and his family which would enable him to secure the information necessary for social and personality diagnosis. The relationship had to be a friendly one. It was important to establish a "good" contact, to be warmly interested,

friendly and patient. The worker was frequently admonished either to begin with or end upon hopeful and cheerful things in the interviews so that the family might feel this friendly interest and respond positively to the counselor's need for detailed information.

In some quarters probation counselors were permitted to make recommendations on the basis of these findings. Treatment meant attempting to correct the defects set forth in the social history, and since little could be done about character defects, emphasis was placed on manipulating environmental factors or supplying environmental opportunities such as employment for parents, recreation for children, health examinations for all, etc. Persistent refusal to respond to such efforts was interpreted as the result of a poor relationship or lack of the right approach to the specific situation, or as lack of cooperation on the part of the child and his parents.

Out of these efforts, however, came recognition that the life of any human being, delinquent or not, was interwoven with the lives of others, that it is in the individual's social relationships that the content of emotional and mental life finds expression. The external environmental specifics were not then so important as the individual's own relationship to these things outside and around him. Thus emphasis more and more fastened on how to get at the core of the delinquent's difficulties in these environmental-social relationships. The focus of probationary effort became the adjustment of individuals in their social relationships. Good probation service was at this point seen as the art of bringing the individual from a condition of social disorder to the best possible relation with all parts of his environment. With this focus it seemed that case problems required certain attitudes and techniques of the worker. Just what these specifics might be was not so easy to set forth. Generally speaking, however, two schools of thought developed, one based on behavioristic

psychology and the other genetic or causal, a psychiatric interpretation.

Behavioristic psychology emphasized habit training, conditioning, and re-conditioning. The worker used the relationship to get across directly what the child and parent should do. He laid out plans for the child's recovery and accepted responsibility for fitting the child into the regime prescribed. Here the interview served as a stimulus-response situation in which the counselor's behavior predicated the response. To the child's mother, for example, were given such routine procedures as regulating sleep, diet changes, or eating habits. More subtly, formulas and axioms of conduct were stressed as authoritative rules.

The genetic or psychiatric school of thought covered a variety of approaches. Generally speaking, they rested upon the psychiatric principle of determinism, upon cause and effect relationship in the behavior of individuals. From this it followed that delinquent behavior was a symptomatic response to the needs and strivings induced in the individual as the result of his life experience. Here treatment aimed at using the counselor-child relationship to get at the historical background of the difficulties, to make conscious the unconscious trends and drives, and to recreate the past in order to release anxiety bound up with these earlier experiences. The emphasis in the relationship was on establishing a "transference" from which insight might proceed. Relationship served as the means by which to bring unconscious conflicts to consciousness and to aid in their resolution by placing them under the guidance of a strengthened ego.

The important fact learned from considering both schools of thought is that the relationship between probation counselor and client was offered as the medium by which treatment of the difficulty could be effected. No longer was relationship something to be sustained simply to secure a social history for diagnostic purposes,

or to carry the counselor's manipulation of pieces of the environment, or to effect piecemeal adjustments of the client's social relationships one by one.

The concept of friendly contact, however, has been hard to let go of—perhaps because friendship is one of the most complete relationships we ourselves experience. But the delinquent child and his parents frequently require far more from the counselor of understanding, patience, and self-discipline than is expressed in friendship. Moreover, in friendship, the needs, projections and identifications of both parties are constantly being expressed to serve each of the participants.

From this historical review it seems clear that a shift away from simple friendliness has taken place. The relationship between counselor and client has begun to have values in and for itself. In our court, for example, we consider relationship to be the real core of the helping process. It is the nature of this point of view which I wish now to consider.

The Nature of Relationships

While relationships are probably the most intangible and incomprehensible phenomena in human development, they have long been taken for granted as the background of character growth. Without going into a detailed analysis of relationship and its part in the growth process of the self, I shall begin by stating that for us relationship has in every case a dual meaning. On the one hand it brings out *likeness* by means of which the individual can find safety, protection and satisfaction. By identification with others the self finds security, comfort, and a sense of belonging. On the other hand, relationship reveals *difference* by means of which the individual finds a sense of his own uniqueness, his own characteristics as opposed to the characteristics of others. Each of us from infancy on develops his own particular patterns in his effort to hold a satisfactory balance between these two opposing forces. Each in a

lifetime of experience continues to seek and use relationships for his special needs. They will be differentiated in a thousand ways as determined by these needs and the nature of the persons with whom the individual relates himself. Some will be superficial and will engage him but slightly. Others will engage him deeply, and here the structure of his own ego and the pattern of his movement into and use of relationship may be greatly modified. Some relationships may give him security and freedom to grow and to develop a bearable sense of his own total individuality. Others may confuse and baffle him so much that he is thrown back upon painful, internal conflict, which he cannot seem to resolve. Rarely in a relationship does the individual meet with a deep understanding of his conflicts or an acceptance of his impulses, bad as well as good. To the degree in which such understanding is present he will tend to use the relationship on deeper and deeper levels to project his impulses, work through his problems, release his conflicts, and become a responsible self in differentiation from others.[1]

On this basis, relationship, as we are developing it in the Family Court of Wilmington, is conceived as an immediate experience for the child and his parents. The probation counselor begins where the child is and seeks to help him draw on his own capacity toward a more creative acceptance and use of what he has. While maintaining interest in what *has* been wrong, the worker focuses attention on what the individual can begin to do about what *is* still wrong. All this points to an experience in living and is rooted in the belief that people have within themselves, irrespective of what has gone before, capacities which can be creatively used to effect harmonious relations with the realities of their living. These qualities and capacities are tested in the court's processes. The assumption that child and parent have a part in bringing about an acceptable change brings re-

[1]Robinson, Virginia, *A Changing Psychology in Social Case Work*, p. 119

sponses from which changes can emerge. The reactions stirred up in a child when he finds himself in a situation that both allows and expects him to be an active participant in his own changing are varied and significant. The point to be emphasized here is that the client is a human being who must find new values in himself; not in isolation but in relation to the probation counselor.

Experiences in Relationship

The specific nature of the counselor-child relationship can best be clarified, perhaps, by analyzing some of the factors in the actual experience of the probation worker. Consider the mother who comes to the court for help with an ungovernable child. It seems to me the counselor's first responsibility is to understand this appeal as a crisis in the life history of both mother and child. The counselor must consider both the good in the seeking of help and the threat of dependency and loss of control implied in acceptance of help. The mother's coming may be a genuine and positive step. She may expect the court to make the child different, since she has already done everything she can. If the court accepts this responsibility she still retains control of the situation. On the other hand, fear of what the court may do militates against her really using its services. The probation counselor has to understand these things and determine what part he can take in the struggle between these opposing forces in the mother. For the internal conflict must be worked out before the mother can really yield to the necessity of taking a part in what is to be done.

It should be obvious then that from the moment when she asks the court to make her child different and compels the child to appear, though he may resist the idea of change by force, a dynamic relationship is set up among all concerned. The attitudes of the mother — "Make him different" — and of the child — "I won't be made different" — are projected into what goes on between

them and the counselor. The counselor who ignores this has lost the chance to help. The one who realizes what is going on and puts in something of his own which breaks up the mother and child deadlock has begun a movement toward help. This requires a discipline of the counselor's self beyond the level of friendship, rapport, or transference.

The relationship which the counselor begins to develop, however, must be focused. It must have some form or structure within which it can grow and develop. For this reason the counselors in our court focus on the processes and procedures of the court as entities for concern. The counselor cannot, on the one hand, hold out a promise of help, of understanding, of objectivity, of respect for the client's right to work out his own problems in his own way, and at the same time wield an arbitrary power over destiny. These things are incongruous. There must be protection for both client and worker and this protection is found in the definition of the counselor's job and adherence to accepted structure and process. In our court the preliminary examination, the period of continuance, and probation itself afford mutual protection.

Just as it was hard to let go of the simple concept of friendliness, so it has been hard to let go of the external tangibles of the problem and to focus instead on the internal relation and the use the client is making of the court's structure. One must accept the fact that the child or parent brings the whole of himself when he comes to court and that this whole can be actively engaged in a professional helping relationship. It is, I believe, particularly difficult to achieve this understanding and acceptance on an intellectual level. It is more easily gained in the actual doing, and most helped by the counselor's own experience in taking professional help.

At this point then, while granting the importance of relationship, we see it viewed in two perspectives. On the one hand, the counselor's part is to use the emotional

implications of the relationship to motivate or manipulate the client toward what is thought right for him. This is, I believe, but a continuation and translation of the older interest in environmental treatment into a newer form of control of the inner life of the individual. On the other hand, as expressed in our court, we see the probation worker creating an emotional environment in which the growth process of the child or the parent can be released and furthered. This internal process itself, rather than external manipulation of the client from point to point, becomes the center of interest.

The probation counselor often knows what is best for child and parent. Too often he accepts it as his task to see that they do what he thinks best. His authority may be kindly but nonetheless it is patronizing, and it completely denies the will and individuality of the child who is considered something to be led, adjusted and controlled. This active, aggressive desire to change someone is sheer projection of the counselor's will, and as such it will be resisted outwardly or inwardly to the bitter end by the child. What must be learned and used instead is the will-to-create which provides the opportunity for parent and child to work out their problem in their way in the face of the necessity to do so acceptably before the court.

A good test of relationship is the reversible application thereof. Whenever the counselor feels that he never could or would want to enter into the kind of relationship he himself offers to others, there is something unethical in what he is doing. The most elementary concept of anethical relationship is based on mutual respect. Without such respect for the inherent dignity of those who come before the court the relationship offered is a travesty.

The probation counselor must accept the court as the creator of the helping situation. The court is the whole which is greater than the counselor plus the client, and its processes at once limit, define, and support the offi-

cer's activity. He must come to an identification with and complete acceptance of his authoritative role and its place in the processes of the court. It is this identification which provides the wedge of separation and differentiation between himself and the client out of which can develop a professional relationship (although, of course, a friendly one) rather than a personal one. The probation officer must have the ability to enter into a process with the child, to be aware of and to use his own reactions while remaining sensitive to those of the child. Help for the child rests in the vitality of the immediate contact as an emotional experience in which the worker takes full responsibility for becoming a part of the child's life experience. These things, I believe, form the meaning of relationship in the juvenile court.

The Juvenile Court as a State Responsibility

WILLIAM N. MACKAY
Director of Probation, Third District
Connecticut Juvenile Court

CONNECTICUT is slightly more than 5,000 square miles in area with a total population of 2,000,000 and a school population of 365,000. Prior to the establishment of the statewide juvenile court system, juveniles were handled in small local courts. In our 169 towns there were 134 municipal court judges, 115 probate judges, and some 500 justices of the peace who were authorized to dispose of the cases of delinquent and neglected children. Because of the lack of financing or the supposed small number of cases, 101 of the towns had no juvenile probation officers. Only four of the metropolitan areas had full-time juvenile court officers. The remaining towns had part-time personnel, poorly paid, and not equipped for skilful handling of children's problems. Patronage governed the selection of probation officers in many instances. The rapid turnover of appointees, due to political changes, defeated any hope of continuity in planning or treatment. The judges of the local criminal courts doubled as judges of the juvenile court. There was little in their training or experience to condition these judges for work with children. Judges served short terms; treatment depended on the community in which the child lived. Little about the system or lack of system was fair or equitable.

In 1935 two trial courts were established by our state legislature, one in Fairfield county, an urban area, and one in Windham county, a rural area. A single judge for each county was nominated by the governor and approved by the legislature; hearings were closed, confidential, informal, and removed from all connection with our criminal courts. Staff was selected by competitive

merit system examinations. The court traveled on circuit throughout each county, holding hearings in many of the local communities. The system worked so well that in 1941 the legislature established the present statewide system which began operations January 1, 1942.

The state was divided into three districts determined by school population and a study of prior delinquency figures. The job of districting was so well done that even today the districts carry almost equal loads. A judge for each district, nominated by the governor and approved by the legislature, was appointed. Our present judges, reappointed without change since the first full-time appointments, are Thomas D. Gill, Fred D. Faulkner, and Stanley P. Mead. Original terms for judges were set at two, four, and six years so that only one judge would come up for confirmation every two years. Thereafter terms were set at six years. In any given year hearings will be held in approximately 120 towns, and referrals will be received from 155 of the 169 towns. The court goes to the communities, but in so doing still maintains its practice of unobstrusiveness.

Originally in scheduling the time of the judges and arranging for them to travel about the districts, we had to estimate a potential hearing load. It was not too long before we were able to set up a fairly permanent schedule based on actual need with allowance for occasionally heavy loads.

Directors of probation and staff personnel are selected by the judges after open competitive civil service examinations conducted by the State Personnel Department. They may be removed only for cause and after a hearing by the appointing authorities. The state administration staff includes the three judges, the three directors, and a chief clerk appointed by the judges. The present chief clerk is an attorney and accountant, who also heads our finance and research sections. He has assistants in each district. The administration staff is respon-

sible for statewide policy, rules and regulations. Each judge and director has a primary responsibility for his own particular district and judges and directors meet regularly to discuss and standardize practice and policy.

Three district offices and fourteen area offices are maintained. The offices are strategically placed in population areas and are staffed in most instances by two or more probation officers and a clerical assistant. Each area office is responsible for a number of towns and cities. Manuals have been provided for town officials throughout the state so they may know the office and the workers who serve their town. Our annual report has a map showing office locations and also a personnel directory.

Jurisdiction and Philosophy

Our court exercises exclusive, original jurisdiction over all proceedings concerning uncared-for, neglected, dependent and delinquent children within the state, except in matters of guardianship and adoption and all other matters affecting property rights of any child over which the probate court has jurisdiction. We may also accept on transfer from the local courts any youngsters between the ages of sixteen and eighteen who the local judge feels might better be handled by the juvenile court. Any youngster so transferred enjoys all the protection accorded a juvenile under sixteen.

The court also has the authority to make and enforce, within its territorial limits, such orders directed to parents, guardians, custodians, or other adult persons, owing such legal duty to a child, as it deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child subject to its jurisdiction. If any order for the payment of money is issued by the juvenile court, the collection of such money is made by that court. An amount equal to half of our annual budget is collected each year under court order

from parents or guardians. This money is used to finance plans for the children concerned.

Our philosophy may be condensed into eleven statements. We believe that:

1. We have a dual obligation, to protect the community and to accomplish readjustment for the child.

2. A child in trouble hurts himself more than he hurts the community. You can repair the damage to the community but you cannot always remedy the injury to the child's physical, mental, moral or emotional being.

3. The offense must be considered but it should be regarded as a symptom. The child is referred to the court on the basis of his offense. He is treated on the basis of his total problems—personal, family, community, or other.

4. We have two goals. The first takes care of the immediate issue. For example, we might detain the child who is stealing excessively, return the truant to the classroom, award temporary custody of the neglected youngster. This is the near goal, the one in which the community is interested primarily. The second is the far-reaching goal which means some plan developed through treatment which results in emotional adjustment and a satisfactory solution to the more involved problems of the child.

5. The casework function is basic in carrying on our work. Casework involves investigation, diagnosis, planning, and treatment. It means recognizing the real as well as the apparent problems, helping the child and his parents to understand his difficulties and aiding him in doing something constructive himself about them.

6. Probation is casework done within the frame of authority. To change the figure, authority is one of the tools used in probation. Although the child comes to us as in conflict with law, authority is not the only tool at hand. A knowledge of other techniques and resources used by any good caseworker is essential.

7. Probation is careful, constant, consistent contact and supervision by intelligent, trained, tactful, and resourceful workers. First of all the caseworker wants to know the child well, to understand what influences in his life have contributed to his present predicament, to help him change his point of view, develop his personality and learn to like and want things which will bring him more real satisfaction than he has in misbehaving.

8. No child can be treated in isolation. His home, his family, his neighborhood, his school, his church and all other influences on his wellbeing must be considered.

9. Probation is the strong arm that supplements home care and training. It provides the protection that holds the child's thoughts in correct channels until he is strong enough to stand alone.

10. When probation is not the answer there is a place to try a group situation or an institution. Private placement or placement in a state training school is used when the court feels that for therapeutic, not punitive, reasons the child needs the type of in-patient care that a good private institution or state school can give. Some youngsters before they can be treated as individuals in a community need the stabilizing effects of group living and training.

11. The court cannot function in a vacuum. It needs the help and cooperation of the public and private agencies that work with children. The probation officer must know and use the resources available. It is part of his job to develop resources, to serve as a consultant and to cooperate with the agencies which provide service for the court. Our court functions as a court of social justice. The following comments by Judge Thomas D. Gill in our 1949 annual report are pertinent:

> Social justice has been variously defined as "individualized" or "personalized" justice but whatever

this variance in nomenclature there is general unanimity as to the fundamental concepts implicit in all of these phrases. Social justice involves first the acceptance of certain postulates as a judicial philosophy, and secondly the recognition and utilization of such procedural methods as are necessary to full and successful implementation of that philosophy.

In threading its way through the field of human relations, where at best we walk on paths but dimly seen, the law has been slow to borrow modern illumination from its sister sciences, preferring to stumble along in the light of its own flickering legal candle. Perversely enough, experts from alien fields have been freely welcomed into the legal arena where property rights have been at stake only to find themselves suspect when human rights were in the process of adjudication.

Social justice calls for an end to this rigid isolation; it sees the law as a living social institution no longer self-centered and self-sufficient, but calling upon all the social sciences to help fulfil more completely and wisely its challenging role as both the adjudicator of individual rights and the balance wheel of our mores and morals. As the late Justice Cardozo has written, a judge in a court of social justice "has to decide human questions which cannot be settled merely by citing old precedents. You cannot chart the future of a boy or girl or family by repeating what a learned justice said in a celebrated case."

Under this new concept then the law becomes a means toward social ends and these social ends in a children's court are always the protection and well-being of the children living in the community it serves. The court is conspicuously a response to the spirit of social justice for it is probably the

first legal forum where the law and science, especially those sciences which deal with human behavior such as sociology, psychology and psychiatry, work side by side. This partnership is a tacit acknowledgment of the court's inability to singlehandedly make socially desirable decisions for the children entrusted to its care. No more than lip service, however, can be paid to the concepts of social justice unless judicial procedures are adopted consistent with their application and with the aims and objectives of the court applying them. Juvenile courts have been criticized for the utilization of markedly rigid judicial techniques that seem to contradict the basic tenet of juvenile court law that the child is incapable of a crime and to belie the avowed purpose of these courts to treat rather than to punish children. On the other hand, some critics have felt that some children's courts in their eagerness to diagnose and treat the child have minimized or neglected the essential judicial element of adjudication of innocence or guilt as a necessary preliminary to such treatment, thereby infringing upon the rights of both parent and child. Proponents of this school of thought, who perhaps strangely enough are more often sociologists than lawyers, see the judge of the juvenile court as being too frequently a paternalistic dictator, as unschooled in the dynamics of human behavior as he is unwilling to follow established legal principles in the conduct of his court.

These antithetical criticisms point up the necessity of a proper correlation in operating practice between the casework and the judicial functions of the court, a challenging but by no means impossible task. Most of these criticisms, it is believed, can be resolved by an examination of the comparatively few fundamental situations with which a juvenile court of customary jurisdiction deals.

1. Where a child has denied his delinquent act there should clearly be an adjudication of innocence or guilt before a widespread invasion of his personal privacy and that of his family is undertaken. Legally this is desirable because it is the only practice consistent with fundamental principles of our common law, principles which most parents naturally expect to operate in their favor even though the child be ignorant of them. Any other approach no matter how well intended will almost inevitably fail to foster that essential confidence in the justice of the court which must be the foundation stone for all that is to follow. Socially nothing is lost in the omission or postponement of the gathering of the social history, for a proper social investigation under these circumstances is a virtual impossibility with resistance and non-cooperation confronting the investigator at every turn.

This does not and should not mean a trial embroidered with the encrusted criminal procedures of the centuries. Let it be emphasized, however, that an informal and relaxed atmosphere is not inconsistent with a careful observance of those rules of law and evidence controlling the situation.

2. However, through the years it has been the experience of this court that in the overwhelming percentage of cases guilt has freely been admitted by the child upon initial contact with the probation officer. Under these circumstances the legal and social reasons for an adjudication as a condition precedent to a social investigation disappear, for the primary purpose of the judicial hearing no longer is to ascertain whether the child is or is not guilty of an offense, but to determine the basic needs of the child and then decide on treatment.

This being the essential function of the hearing in the vast majority of cases, it follows that if

the court is to conduct itself in a manner consistent with its purposes and responsibilities casework methods must prevail over the ritualistic judicial approach. It is right that the methods and rules of the court should be formulated to help it do effectively the job it will customarily be called upon to do. It must have the power to dispense with technicalities; the right to consider social and clinical evidence.

Rightly administered it is difficult to see how the law loses anything essential to justice in so adjusting itself as to facilitate this all important union with its allied sciences, nor does any informed judge lose sight of the exact purpose underlying these modifications.

3. Entering the field of the neglected and uncared-for child, the other principal area of most jurisdictions, the element of adjudication, the balancing of conflicting rights, comes very much to the fore. The social interest of the community in seeing its children physically well and emotionally secure clashes with the most fundamental and perhaps the dearest of all individual rights, the right of the parent as against the world at large to the companionship, custody and control of his child. With conflicting lines thus sharply drawn is violence done to the judicial process by causing a social investigation to be made prior to the hearing itself?

The answer must be that the prehearing investigation presents a frank and honest recognition of the inherent inadequacy of traditional legal methods when the custody of a child is at stake. Here it is that the law entrusted with the responsibility of weighing these conflicting rights in the light of what is best for the child acknowledges the virtual impossibility of its task without the help and enlightenment of its sister sciences as embodied in the social

investigation. Probably in no field of judicial activity can as little credence be placed in the statements of the embattled parties as in cases where the custody of a child is at stake. The unhappy jurist could well find himself wandering in a field of fabrication, falsehood, and contradiction were it not for the social investigation which, while it may not unfailingly point true north, can usually be relied upon as a judicial basing point whence the truth may be sought out. It is to be remembered and it cannot be emphasized too often that such an investigation, unlike that made in the case of a delinquent, is not based upon the assumption of guilt or wrongdoing induced by an initial confession, nor is it undertaken with the purpose of factually establishing the petitioner's contention of neglect; rather it is, when properly and objectively done, an attempt to evaluate and recommend what is, under the circumstances of a given situation, best for the child. It can actually be of considerable assistance to the respondent parents since it not only gives them an opportunity to present their own point of view but at the same time informs them, through their contacts with the investigator, as to the nature of the complaints being made against them. The investigation becomes a bill of particulars and thereby helps the parents prepare their defense. Such an investigation, let it be said again, is not in lieu of other evidence but is to be scrutinized and weighed with the rest of the evidence.

Possessed of the flexibility inherent in its elastic procedures there can be little excuse for the juvenile court to make but one routinized approach to these three fundamentally different situations, but much of the confusion concerning its practices, as evidenced by current and past analyses, seems traceable to the assumption that it must and does.

Conduct of the Court in Connecticut

Basic in the conduct of the court are these six factors:

1. Judges are selected because of interest, ability, and willingness to serve full time. They must be attorneys at law. They cannot practice law, do income tax work, engage in politics. They must devote their entire time and energies to the job.

2. Staffs are selected because of training and experience.

3. Receiving centers or detention homes are provided to handle youngsters who must be detained. Children cannot be and are not held in jails in our state.

4. Files are closed and confidential. Our files are open only upon order of our own court. A social investigation precedes any disposition whatsoever.

5. The child has no criminal record. He is not fingerprinted. He cannot be prosecuted for an offense before a juvenile court, nor shall the adjudication of such court that a child is delinquent in any case be deemed conviction of a crime. The investigation or disposition is inadmissible as evidence in any later criminal proceedings against the child.

6. Court hearings are closed and informal. The judge's conversation with the child is privileged. The judge may exclude any person he so desires from the courtroom. Hearings cannot be held in any courtroom or place where adults are prosecuted.

These factors are standard recommendations for any juvenile court. In Connecticut they are actually in practice.

Detention

It might be well to comment briefly on our detention homes. We have four receiving centers located in denser population areas. These are small fifteen- to eighteen-bed homes staffed with a superintendent, matrons, a school teacher and a recreation leader. We detain usually the

child: 1) who is likely to repeat his offense with damage to himself or the community; 2) whose home situation is such that he cannot be returned immediately or probably in the future to his home; 3) who is a runaway; 4) who is feebleminded or presents a psychiatric problem which cannot be handled at home.

The detention home may in our state be used as a treatment facility. Judicious use of the home for this purpose may prevent more drastic treatment at a later date.

Physical and psychological services are available. Three of our receiving centers are connected directly with our administration offices. This close connection allows day to day contact between probation officer and child. It also tends to obviate the need of additional personnel in the detention home.

In our police manual we note that immediate physical delivery of the child in trouble is not necessary except in those cases where the seriousness of the offense, the temperament of the child or his home situation requires it. The arresting officer simply forwards the complaint to the proper juvenile court office and releases the child in the custody of his parents. In so releasing the child, he advises him and his family that the case is being referred to the juvenile court but avoids predicting how the case will be handled by the court. We have kept our detention load down by educating the agencies *not* to detain.

Our preliminary investigation follows the usual outline. We have included the headings Assets, Liabilities, and Recommendations, so that the probation officer may crystallize his thinking and resolve his own attitudes as to proper disposition.

All cases must be initiated by a written complaint. In the event the child is unofficially dismissed, his file still contains a face sheet, the complaint, the school report, and a summary of contacts with the child and

his family. If the child is placed unofficially on supervision or brought into an official hearing, a full use of our outline is essential. About 30 per cent of our referrals are handled officially, 70 per cent are disposed of without official court action. Our case records follow the usual pattern of investigation, diagnosis, plan, and finally treatment. Our supervision record is chronological with a summary every second month and an evaluation every fourth month.

Over a period of years we have committed annually about 5 per cent of our delinquents to state training schools; placed about 17 per cent officially on probation; 12 per cent on unofficial supervision; referred 9 per cent to individuals, private agencies, or institutions; dismissed 52 per cent after a warning or minor adjustment. The remaining 5 per cent include runaways returned and miscellaneous other dispositions.

Advantages

Following are some of the advantages under a statewide setup;

1. The smallest community gets the same type of service as the large city.

2. Procedure and philosophy are standardized. There is not the variety of practice and disposition that existed for us when we had 169 courts. Justice is more equitable.

3. The state court travels on circuit and sits in the individual communities, but it tends to be more objective than the local court. It is not so close to the case that political, sentimental or other considerations influence its judgment.

4. Many more resources are available; a greater use is made of physical, psychological, and psychiatric facilities, for example. New resources are more likely to be developed at the state level.

5. Trained, experienced staffs are chosen by competitive examinations.

6. Judges have longer terms. It has been the custom to reappoint these judges, selected originally for interest and ability.

7. The child receives no criminal record; case histories are confidential and open only upon order of the court itself; jails are not used for juveniles; hearings are closed and informal.

8. Four regional receiving homes have been established where allegedly delinquent children requiring detention pending disposition may be kept and to a limited extent observed and studied.

9. Social histories are adequate and available for staff persons and others having a proper interest therein. A preliminary investigation in all cases prevents hasty judgments.

10. In-service training programs have become common practice.

11. Research and compilation of statistics are more feasible when applied to the state as a whole.

12. Better screening of cases for institutional commitment is possible. Fewer children are committed to institutions.

13. Attack on the problems of delinquency and neglect is statewide. Because the schools, the police, the social agencies, the churches, and the institutions are taken into the fold, so to speak, we get concerted and cooperative action. Relationships are fostered by statewide meetings, lectures, manuals and individual conferences. Agencies of more than local interest have only one court instead of 169 courts to deal with.

14. Putting parents and other responsible persons under court order to help finance the plan approved for the child has resulted in a great increase in revenue. Where the highest single year's collection under the local

system was $17,000, the present annual collection averages between $150,000 and $175,000 for the support of delinquent and neglected children under public and private agency care.

III REALISM IN SOCIO-LEGAL PROBLEMS

The Family Court of the Future

PAUL W. ALEXANDER
Judge, Juvenile and Domestic Relations Court
Toledo, Ohio

JOHN DOE was very unhappy. His head was hot, his eyes were dim, his face was drawn, he seemed in a daze.

"What's the matter, John?" inquired an old crony. "Hittin' the bottle again?"

"Naw, ya got me all wrong! Remember when Jane an' I busted up? Well, that's what started everything, see! I was sendin' all the dough I could for the kids—y'know I wasn't makin' much—an' first thing y'know she had me up in court."

"Which court?"

"Lessee," and John scratched his thinning gray hair. "That was the juvenile court. Jane hollered for more money for the kids an' after an argument—only she done all the talkin', I didn't get a chance to say nothin'—some lady, one o' them there social workers, writes down an order that I gotta pay eight bucks a week for each kid.

"Well, then I gets a job that takes me to the big city, and next thing I know the wife an' kids are in New York too. She comes hollerin' she can't get along on what I been givin' her an' she wants the order raised. So she has me up in court again."

"Which one this time?" inquires the crony.

"Family division, down in the domestic relations court. Same old argument, then the judge ups the order to ten bucks. I kep' it up 'til I got sick and lost my job, then Jane has me up for contempt of court.

"But the judge had somebody check up and found out I really had been laid off so he only gives me a suspended sentence. That made Jane mad so she ups and takes the kids and comes back home. Perty soon the New York job is finished, so I drifts out here too. I should of known better. Just when I'm gonna land me a good job I lands in jail instead. Jane had me pinched for nonsupport. This time the judge . . . ."

"Which court?" interrupts the crony.

"Police court. Well, the judge gives me six months suspended on condition I get that job and pay $9 a week. That didn't set so good with Jane an' next thing I know I gets served with divorce papers."

"Which court?"

"Circuit court. They're the only one that handles divorces. So I plays it smart. Why should I show up and try to keep her from gettin' her divorce? She ain't been a wife to me for over three years and never will be. So I just lays low.

"Then one day I finds out she got her divorce all right, but that so-and-so of a Circuit Judge Bulliwinks soaks me a coupla grand back alimony for the time when I was out of work and couldn't support the kids, and on top of that orders me to pay twelve bucks a week for each kid.

"So I just takes a well-earned vacation and goes on a binge. And when I comes to, the cops have got me again, this time with a grand jury indictment for neglect of minor children. When I'm arraigned before the judge . . ."

"Which judge this time?" inquires the old crony.

"This was in the felony court. Like general sessions —criminal division of the circuit court."

"Why did Jane drag you into that court?"

"Well y'see the police court only had me on a misdemeanor charge, and the most they could give me was months, and anyway they gave me a suspended sentence and cut the order to $9, so Jane figured she'd make it hotter for me in the felony court."

"And what did the felony court do to you?"

"Well, the judge didn't see how I was gonna support the kids while I was in the pen, so he gave me probation on condition I go back to work and pay $11 a week."

"What's put you in such a dither now?"

"I been in circuit court all morning. They had me up for contempt before Judge Bulliwinks in the divorce case because I been paying $11 instead of $12 a week. I told the judge the juvenile court fixed the order at $8, the domestic relations court at $10, the police court at $9 the divorce court at $12 and the felony court at $11.

"This time I had lawyer Marwhopple and he tangled with the ex-wife's lawyer and the probation officer from the felony court and the social worker from the juvenile court and the officer from the police court and they all got into such a wrangle, come lunch time I walked out on 'em. They didn't even miss me. I . . ."

John was interrupted by the approach of a man with his hat pulled down over his eyes.

"Your name John Doe?" he inquired.

"That's right."

The man turned the lapel of his coat and showed a sheriff's badge.

"I got a subpoena for you. They want you to testify in a lunacy proceeding against Judge Bulliwinks, lawyer Marwhopple, Jane Doe and several other folks. I heard they all went crazy at once."

"Which court?" patiently inquired the curious crony.

"Probate, of course."

"Ah," mused the crony as the sheriff marched off the bewildered John. "I was wondering just how the probate judge would be getting his finger in this pie!"

It Could Happen Here

Sounds like Alice in Wonderland, doesn't it? Think it's far-fetched, overdrawn? Wait and see. It's all perfectly possible. There's hardly a city in the country where something along this line couldn't have happened, or where similar mix-ups and conflicts don't happen daily! Only in real life the consequences are tragic, not comic.

I picked out the fixing of a child-support order because it's probably the simplest and easiest proceeding to grasp. It is just one of a score or more of different types of legal proceedings involving problems that we all recognize instantly as essentially family problems. And almost every one of these is common to two or more of about seven distinct types of courts in the same community, not counting appellate courts.

Consider the city of Richmond and the very commonplace action for divorce. Richmond has six different courts of record, in five of which one can start his divorce case. (The domestic relations and juvenile court, the real fountain of facts on families, is excluded from divorce jurisdiction.) In such a setting the possibility of conflicts, of working at cross-purposes, of using one court to undo what another has tried to do, intrigues one's imagination.

Consider the city of New York. As has been frequently pointed out the confusion caused by the diversity of jurisdiction among the various courts results not only in inconvenience, loss of time and money, but often in miscarriages of justice. To quote Judge Dudley F. Sicher, chairman of the committee on reorganization of the domestic relations court:

A typical instance of the consequent shunting back and forth between the Supreme Court and the Family Court is Schact v. Schact. In that case there had first to be a habeas corpus proceeding in the Supreme Court to determine that the welfare of the child of parents divorced in Nevada called for transferring custody to the mother after the father's remarriage notwithstanding the prior grant of custody to him in the consensual Nevada divorce decree. But thereupon the mother had to turn to the Family Court for an order requiring the father to contribute to her for that child's support, because in a habeas corpus custody proceeding the Supreme Court is without power to order support.

Since the Family Court is empowered to act coercively only upon due proof of refusal or failure to support in accordance with a husband's means, if the support has been adequate, that court has no jurisdiction over a brutal husband; in such case the wife must seek her remedy in a criminal court or in the Supreme Court (unless there is a child under the age of seventeen years and the husband-father's conduct is such as to come within the "neglected child" jurisdiction of the Children's Court). And if, in the supposed case, the Magistrates' Court convict the husband of disorderly conduct and order him out of the home, that court has no jurisdiction to order support, but the wife must them come to the Family Court.

Still another of the many instances of the scattering of jurisdiction is: If there be involved only a bare question of custody the Supreme Court has exclusive jurisdiction. But if there can be spelled out facts constituting one or more children still under seventeen years of age to be "neglected" within the meaning of Domestic Relations Court Act, section 2, subdivision 17, the Children's Court can step in and help those children and the parents with probation bureau and psychiatric clinic facilities. However, if any of the children, although still a minor, be over sixteen years of age, the Children's Court cannot act as to him, so that the family situation may result in handling partly by the Children's Court and partly by the Supreme Court.

Consider the city of Detroit. In a recently published survey of metropolitan courts in the Detroit area made by attorney Maxine Virtue under the auspices of the University of Michigan, a lengthy chapter is devoted to "overlapping, defective and conflicting jurisdiction over subject matter and person." Detroit has six courts existing independently of one another. Mrs. Virtue re-

ports: "Many observed cases display domestic discord which had first reached court action as criminal non-support cases in the recorder's court, which had resulted —sometimes after several years and after repeated non-support convictions—in divorce action in the circuit court and in anywhere from one to a dozen contacts with the juvenile court for delinquency, abandonment or dependency of the children of the same family."

Various phases of paternity or bastardy cases may be handled in the juvenile court, probate court, in chancery, in the circuit court, in the misdemeanor division of the recorder's court, or jointly in the probate and juvenile courts. The author goes on: "The duplication of jurisdiction as to these domestic cases is very significant, because the number of such cases is relatively large in a metropolitan area, and for the further reason that such cases are most often disposed of by placing the offender on probation and extending family supervision over a long period of time. Thus, in many cases, probation workers from several different courts are trying to rehabilitate the same family." And who do you suppose makes the decision whether a given case should be handled by juvenile court as to the children, by criminal proceedings in recorder's court or in circuit court against the adults, or both? According to the author, it is the police and the prosecutors who make the decision.

How many agencies do you think are substantially engaged in enforcing support? According to the survey, there is "the juvenile court, dependency-neglect department, the pre-court adjustment division of the recorder's court probation department, the domestic relations division of the recorder's court probation department, the probation department at circuit court, and the Friend of the Court at the circuit court. Although there is considerable overlapping in their case loads, there is little cooperation from court to court on these cases.

Mrs. Virtue speaks of attending a hearing in the circuit court which was attended by six different case-workers, all of whom had some official connection with the case.

Out of 200 cases, she says, "there were less than a dozen which did not show at least one other agency or court contact prior to or concurrent with the contact of the court being observed. In the area of family case-work, nonsupport, and child welfare cases, there were more often than not several public and private welfare agencies and at least two courts having current contact with the case."

Is it any wonder that the author comments: "There is much duplication of effort, mutual irritation, and many cases in which the efforts of each inhibit or even cancel out those of the others."

Multiplicity of litigation begets something worse than annoyance, irritation, inconvenience; something more serious than loss of time, waste of money; something more disastrous than uncertainty, confusion. It breeds miscarriage of justice resulting all too often in major tragedies. One such I shall illustrate with a custody case from my own bailiwick—but first let me explain briefly about custody cases in general.

Custody Cases

When parents separate and cannot agree which one is to have the children, there arises what we lawyers call a justiciable *family* problem—a problem involving not just the child, the father, the mother, but all three plus brothers and sisters, and indirectly grandparents and possibly uncles and aunts. It is justiciable because it is the kind of controversy that lends itself to solution in a court of justice.

The standard juvenile court is the one court that is universally designed and equipped with power and personnel to handle this type of problem intelligently and equitably. It is significant that juvenile court decisions

in custody cases are seldom disturbed by reviewing courts.

But it is probable that custody is determined more often in other courts than in juvenile court. Notably, the divorce court, in mopping up the mess of a dead marriage, must strive to settle once and for all every legal problem growing out of the termination of the legal tie. More important than any other incident to divorce is that of custody. Everyone concedes it is logical and necessary that the divorce court should have power to determine custody. Then, instead of having two courts with custody jurisdiction, why not give it exclusively to the divorce court?

The trouble is that the divorce court usually is not equipped to do as good a job as the juvenile court, regardless of the wisdom and integrity of the judge. He is bound to decide the case on the evidence in the record, and to see that the record contains only evidence in conformity with the technical rules. He cannot go personally to the home, the neighborhood, the community, the teacher, the employer, the doctor, the pastor, the psychologist or psychiatrist; and only in rare cases is he equipped to send representatives specially trained to gather the necessary mass of factual data, eliminate the worthless, classify and interpret what's left. Not only does he have no one to send; he himself is forced to work under unbelievable pressure in the larger jurisdictions. He is hurried and harried. His dockets are so crowded he cannot take time to make much, if any, inquiry from the bench.

So we must not think unkindly of the divorce judge just because he may happen to award custody contrary to a previous award made by the juvenile court after a thorough investigation and exhaustive report. There is no machinery to advise him of the earlier decision or the facts on which it was based. Chances are he knows nothing about it; if he did he would follow it if its basis were sound. It's up to all of us to find a way

whereby he can't possibly be deprived of the benefit of the juvenile court investigation.

But alas, there's not much we can do about those judges who publicly or privately reject the enlightened, social-minded philosophy of today. When judges of different courts think alike they can find ways to cooperate. But when there is a clash of basic philosophy, when traditionalism meets humanitarianism, when legalism meets liberalism, when cooperation gives way to competition, to conflict—then tragedy stalks the innocent victim.

The Case of the Conflicting Concepts

The mother of two sweet little girls was too good-looking for her own good. She tired of her children and of her husband who worked hard and long and was himself too tired to go gallivanting with her. So when he was working nights she stepped out and strayed from the straight and narrow. She was flattered by the attention of strange men. She drank more and more and went from bad to worse to worst.

The house went to pot; the children were pitifully neglected and at times were mercilessly abused by their mother when she came home drunk. They distrusted, then feared, then hated her.

The children and the father grew closer to each other. For their sake "he did not want to break up the home," but when the mother contracted syphilis and the father learned about it he came to juvenile court and asked that the law step in.

The usual field investigation was made and when the seriousness of the situation developed, psychological tests were given. The children were dull normal, the mother of lower intelligence. Our diagnostic tests and observation indicated the mother belonged in that well-known category called psychopathic personality.

This diagnosis was borne out at the hearing when she persisted that there was nothing wrong with the way

she was conducting herself. She contended it was her life and she could live it as she pleased; that it was her body and she could use it as she wished. You would be shocked at the vehement vulgarity with which she expressed herself in the presence of half a dozen witnesses.

At the hearing the mother was found unfit to have the custody of the children. The father had no plan to offer, there were no adequate relatives, so the children were committed to the custody of a private agency for placement in a licensed foster home. At the request of the agency, which knew of the mother's baleful influence upon the children, she was enjoined from visiting them in the foster home unless accompanied by an agency representative.

Not long thereafter the mother filed a petition for divorce. Just how she expected to get away with it was hard to figure out, for in due course the petition would be heard before me as judge of the divorce and juvenile division of the common pleas court. And before me, to fortify my memory, would be the record of the custody hearing and the complete family file brought down to date.

But alas, in my absence, the case was somehow set for trial before one of my colleagues (now deceased) in the general civil division of the common pleas court. This judge was of the old school. He had more than once declined my offers to furnish him our juvenile court records and family files containing full social histories for his help in handling domestic and divorce cases.

So, this judge heard the mother's divorce case without benefit of our records. Naturally, her lawyer did not bring out anything about the previous hearing. He may not even have known of it. The father did not appear or enter any contest because, as he explained later, he didn't care one way or the other if she got a divorce and he naturally supposed the matter of child custody had been settled at the previous hearing.

Under these circumstances the judge granted the divorce and awarded custody of the two little girls to their mother. I hadn't been back at my desk five minutes before my staff and the agency representative were telling me what happened.

"Well, that's simple," said I. "The judge would never have given her custody if he'd known all the facts. I'll just explain it to him and he'll vacate the order in a jiffy."

"Too late, too late," they chorused, almost in tears. "By the time we found out about it the mother had gotten a certified copy of the decree awarding her custody, had taken an officer and gone out to the foster home and gotten the children and left town with a new boy friend for parts unknown."

"Well, didn't you have the police send out a tracer?"

"We thought of that," they groaned, "but they couldn't. The mother's within her legal rights. She's got legal custody, awarded by a court of competent jurisdiction over both the persons and the subject matter."

Neither mother nor children have ever been heard from. The father too, dropped out of sight some years later. Those of us who remember the case wince visibly whenever someone wonders out loud what has become of those two sweet little girls.

This case history illustrates what can happen when there is a conflict not of jurisdiction but of philosophy, not between two different courts, but between two divisions of the same court. How much worse then, when the conflict is between two separate, disparate courts, notably the juvenile and divorce courts which are constitutionally or legally disassociated from each other almost universally.

So far we have been exploring the sometimes disastrous results that can and do follow from having so many different courts with jurisdiction to handle and determine so many different family problems. The Midcentury White House Conference on Children and Youth directed at-

tention to a number of defects in the courts themselves, as distinguished from the law which the courts must administer. According to the recorder of one of the work groups, Will C. Turnbladh, executive director of the NPPA, the courts handling family problems may be handicapped in four ways:

1) Part-time judges devote most of their time to other types of litigation; 2) electing judges by popular vote is the surest way to get improperly qualified judges; 3) too many courts have inadequate social service and clinical resources; 4) low salaries, inadequate or no pensions, poor quarters, scant prestige are hardly calculated to attract the kind of men most needed.

The Midcentury Conference found that in many respects the law is unsatisfactory, especially in the fields of delinquency, marriage, illegitimacy, support, adoption and guardianship. My work brings me in daily touch with all these phases of the law, and I lay it down cold that in all of them the law appears to be a model of excellence compared to the law of divorce.

Divorce Is Effect Rather Than Cause

Of course the idea that divorce is the greatest single enemy of family life is a popular fallacy. The greatest enemy is the selfish sinfulness of humanity, which causes marriages to fail and families to disrupt and in all too many cases to wind up in divorce court. Unless and until we are realistic about this, we shall be working at cross purposes.

May I offer a profound observation, born of fourteen years experience on the bench and the handling of 28,000 divorce cases: people who are happily married don't get divorces! Yet people the country over are always deploring divorce and passing over the factors that cause marital unhappiness. Hasn't the marriage failed when it has ceased to fulfil the functions prescribed by the natural law of God? When it has ceased to be useful to the members of the family and the state?

Yet countless such marriage failures do not result in either the broken family or divorce. The broken family, in common parlance, means one in which the spouses are separated, no longer living together. And we must remember that families broken without divorce outnumber broken families obtaining divorce in any given year in the ratio of about five to three.

For us to speak of divorce when we mean either marriage failure or broken family is bad metonymy and worse logic. We have always been hearing about the "divorce evil," yet who ever heard of the "broken family evil" or the "marriage failure evil"? Fortunately, there seems to be growing recognition of the truth that divorce is not cause but effect of the broken family, which in turn is the effect of the marriage failure. Of course, it is not the marriage itself that fails, but the people who marry.

Yet there is no denying that the ineffable ineptitude of the law is a potent factor in writing finis to many a marriage that might, given a helpful law, be saved. Nor can it be disputed that the ready availability of the cheap and easy divorce facilitates and accelerates many family ruptures.

A study of the literature suggests that until fairly recently criticism of our divorce law has followed two main channels: first, that all divorce is evil and there should be no divorce law at all; second, that the lack of uniform divorce laws throughout the country has created injustice for many divorce litigants, and for lawyers and courts a state of uncertainty and confusion. But more and more in recent years the effect of our prevailing legal procedures upon families and children has commanded popular hearing and aroused popular dissatisfaction.

The law has been called names—absurd, anomalous, crazy, confusing, stupid, stultifying—not just by the legal profession, the clergy or the sociologists, but by the general public. The demand for legal reforms

springs from all walks of life, all parts of the country. You don't need a chemical analysis of an egg to tell it is rotten. And you don't need a technical analysis of the law to tell *it* is rotten. It proclaims itself. But without getting technical, it might be helpful to call attention to a few of its absurdities.

At the root of much of the evil lies our rigid adherence to the traditional criterion of divorce: guilt or fault. In no state can you get a divorce until, with minor exceptions, you have proved your spouse guilty of some sin specified by the law, called "grounds." This predicating of divorce upon proof of the other partner's guilt appears no longer to serve a useful purpose, if it ever did. A failing marriage, a broken family, presents more than the one simple question of guilt. It presents a delicate, fragile situation, complicated by the many facets of the family's interpersonal relationships.

Most embattled spouses are heartsick over their marriage failure. They are frightened, wounded, angry, vindictive, ashamed, often in distress of body, mind and estate, as well as soul. They can't think straight; they surrender to their emotions; they yield to the pathetic popular panacea; they prescribe for themselves a divorce to solve their problems, restore their lost happiness. That bold front they sometimes put on hides inner panic.

In this sorry state they turn to the law for help. But the ponderous, judgmental, heavy-handed law gives them not help, but hell, more of the very hell on earth they have created for themselves and in which they have been stewing and simmering. And as if they hadn't had enough bickering and battling, the law intensifies their antagonism. It arrays spouse against spouse; it compels one to prove bitter, nasty accusations against the other.

We lawyers call this adversary litigation. We shall continue to have it, with its manifold attendant evils, as long as divorce is predicated upon guilt. And just so long shall we be frustrated in our efforts to help, to reunite,

to take constructive measures. When we try to help an estranged pair to a conciliatory attitude, the law drives them into antagonistic positions!

Worse, the law is punitive—not piously punitive as in canon or criminal law, but perversely punitive as might be expected in Alice in Wonderland. It punishes good, rewards evil. It rewards not purity, but perjury. It penalizes forgiveness. By the doctrine of condonation, if the wife has taken her husband back in an honest attempt at reconciliation, the law throws her present case out of court. It penalizes agreement. As long as the spouses are at each other's throats the law is satisfied; but if they declare an armistice and reach peaceful agreement the law may call it collusion and dismiss the case. And if both spouses have sinned, the law simply leaves them as they were, still bound to each other like two squalling cats tied together by their tails. For the law insists on preserving the myth of the innocent spouse, and holds that if both have grounds, neither has ground.

Reform Long Overdue

This criticism of the law is nothing new. In 1832, in a published decision, Ohio's supreme court complained of the divorce statutes; it decried the abuses, the injustice done to individuals, the impossibility of getting at the real truth of the case. Over seventy years ago the American Bar Association first sought to bring about substantial improvement in the nation's divorce laws. Since then, many such movements have developed. All have failed, foundering mainly on the rock of legal grounds. The liberals wanted more, the conservatives fewer or none; and that was that.

But a plan with some prospect of obviating this main obstacle is now being studied by the Interprofessional Commission on Marriage and Divorce Laws, established through the American Bar Association by mandate of the legal section of the 1948 National Conference on Family

Life. Its stated purpose is "to bring about improvement in the laws of the several states relating to marriage and divorce, and allied phases of family law, to the end that the law, in both philosophy and procedure, may tend to conserve, not disserve family life; that it may be constructive, not destructive, of marriage; that it may be helpful, not harmful to the individual partners and their children; that it may be preventive rather than punitive of marriage and family failure."

Besides the legal profession, the commission includes a Protestant dean, a Catholic bishop, a Jewish rabbi, and authorities on medicine, psychiatry, psychology, sociology and education. At a meeting in New York in March 1951, the commission provisionally accepted for thorough testing and scientific research a number of assumptions. Among them: basing divorce on guilt and punishment has proven harmful to family stability; and the use of adversary proceedings in divorce cases should be displaced.

A Therapeutic Approach

How in the world, you ask, could we ever have divorce not based on guilt or fault? How could a court operate without the traditional adversary procedures? The answer is simple. The plan tentatively approved by the legal section of the National Conference on Family Life, now being studied by the Interprofessional Commission, would take a leaf from the experience of the juvenile court. It would substitute the philosophy of diagnosis and treatment for that of guilt and punishment; it would make the criterion for divorce not "Is the defendant guilty?" but "What is best for this family and consequently for society?"

This new approach, sometimes called the ABA plan, sometimes the therapeutic approach, would adapt the philosophy, implementation and techniques of the standard juvenile court to divorce. It would not facilitate divorce by mutual consent (which in reality we now

have everywhere). On the contrary, one could not even apply for a divorce without first obtaining the court's consent. (The law holds divorce is a revocable privilege, not a vested right.) The application would be for the remedial services of the state. There would be no plaintiff, no defendant. Instead of "Jane Doe vs. John Doe" the title would be: "In the Interests of the John Doe Family." There would be no occasion for name-calling, recrimination or formal public trial.

To do this sort of thing would obviously require a special kind of court which, for convenience, has been called the family court. As Dean Pound points out in speaking of the juvenile court, there are strong reasons for not making it a separate court but a branch of the court of general jurisdiction of first instance. It would seem necessary to endow it with the broadest possible equitable, civil and criminal jurisdiction. It should have the same dignity and status as the court of general jurisdiction; its quarters should be adequate in size, advantageously located, designed for functional efficiency, equipped and decorated so as to command respect for the law which it will administer.

Among the reasons for this is that although the family court may deal in dimes while other branches of the court deal in dollars, nevertheless, because it is bound to have so many more clients than the ordinary civil and criminal courts, and their problems strike home so intimately into everyday life, the family court cannot fail to have a greater impact upon the sum total of human welfare and happiness than perhaps all other branches of the court combined. Like the juvenile court, the family court would require an adequate staff of trained technicians and skilled specialists, such as the social caseworker, psychiatric caseworker, clinical psychologist, psychiatrist, marriage counselor, and others, and of course a proper clerical force.

Most important, the court would require a specialist judge or judges. No court can be expected to rise above

its judge. No matter how able a lawyer he may be or how filled with the spirit of altruism, the judge of such a court will have to school himself in quite a number of fields of learning and disciplines for which his legal training and experience have not prepared him. Among these are social casework, group work, counseling, diagnosis and therapy, several branches of psychology (especially so-called abnormal psychology), penology, criminology, the basic principles of psychiatry, child and family welfare, a little medical casework, and community organization.

Obtaining the right kind of judges, the fitting of square pegs into square holes, poses something of a problem, but surely not an unsurmountable one. The 1949 revision of the Standard Juvenile Court Act by the National Probation and Parole Association proposes a plan for the selection of the juvenile court judge. This plan was adapted from the ABA or "Missouri plan" and something along this line should prove equally adaptable to the family court.

One Unified, Integrated Court

In view of the appropriate identity of philosophy, procedure, techniques and type of staff of the juvenile court and the family court, and because almost every problem of juvenile delinquency is in essence a family problem, it is proposed that the new court handle *all* justiciable family problems from juvenile delinquency to divorce.

This proposal is far from new. The National Probation and Parole Association has been advocating it since 1917. It has been tried and has long since passed the experimental stage. For a third of a century Cincinnati has had such a court. Other Ohio cities soon fell in line; for years the seven largest (next after Cleveland, which has an independent juvenile court) have had such integrated family courts. They have a cumulative

experience of about two hundred years of successful operation during which no serious objection has been raised to this type of integrated court. It is a division of the common pleas court. The judge is elected to this particular division and must stay with it. There is no rotation.

Somewhat similar courts have existed for a long time in Omaha and Portland, Oregon. Surely it is significant that in these nine cities complaints about overlapping, defective and conflicting jurisdiction, of lack of cooperation, of one court either wilfully or unwittingly undoing what another court has striven to do, are almost unheard of.

The advantages of having all socio-legal family problems handled in one comprehensive, unified, integrated court with one social philosophy and one staff, all imbued with the same spirit and working toward the same end—the advantages of this should be perfectly obvious to anybody. The ABA plan for a fresh approach to the divorce problem has been publicly supported by leaders of all faiths and all professions. Its handmaiden, the integrated court for *all* family problems, is likewise gaining favor.

A body of laymen demonstrated their insight and intelligence in a report made public a couple of months ago. They comprised a special grand jury that spent two years probing the notorious phony divorce racket in New York. Their presentment concluded: "The Grand Jury recommends the centralization of all matrimonial litigation and related family problems in one court . . . . Such a court, with power to investigate matrimonial matters, could make a complete study of each case with the primary objective of preserving the family unit. It would seek not merely to ascertain whether there is sufficient legal evidence to terminate a marriage, but to discover and remove the factors which are contributing to its breakdown . . . ."

Some day, sooner or later, the peoples of the several states will rise up in their might and banish the tumult and turmoil growing out of our Alice in Wonderland system of multiple courts with conflicting jurisdiction and repugnant philosophies. In its place they will set up a unified court with plenary powers. But that will be only a half measure unless they implement the court with brand-new divorce laws invoking the therapeutic approach—and conversely, such laws will be futile without the comprehensive, integrated court.

IV PREVENTING DELINQUENCY

Limitations in the Traditional Approach to Delinquency

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IT is inadvisable, perhaps impossible, to appraise our future needs in the area of delinquency prevention without first examining the anatomy of our past and present efforts.

It is astonishing to find that the welter of material circulated for use as a guide to delinquency prevention, past and present, has a curious unimaginative similarity. Much of it deals with three main categories of activity: 1) *control measures* (i.e., the number of police in proportion to population; the locking of doors and automobile ignitions); 2) *character-building measures* (i.e., the variety of recreational facilities available to young people; the extent to which those youngsters are exposed to moral indoctrination); and 3) *rescuing measures* (i.e., the capacity, security, and regime of correctional institutions; the regulations we fix for those on probation and parole).

As these varieties of prevention dominate by far a fourth category, namely, *guidance services* (i.e., the provision of social and psychiatric services for strengthening the family and the individual emotionally), some observers have concluded that contemporary society is far less dedicated to the concept of delinquency prevention in its purest sense than it pretends to be. This observation may seem unfair, but a critical glance at most of the official and unofficial methods now utilized reveals that, with some meager exceptions, we are truly

engaged in a disorganized scheme of criminological self-deception. And some of that deception, in the face of established facts, appears to be more or less deliberate; leastwise, the methods could not be less effective if they were more rather than less deliberate.

From those in our midst who are anchored firmly to the doctrine that delinquency is a phenomenon having prevailing amoral ingredients, such criticism has evoked the comment that any deviating view is the vaporing of a "pseudo-science." Those, however, who are persuaded that much delinquency is symptomatic of emotional distress that is uniquely personal, elicited by a complex interaction of personality disturbances with economic and social pressures, find in the criticism a large content of disturbing truth.

An objective determination of its validity is indeed crucial, for it probably strikes at the heart of the dilemma that has plagued man for centuries. It is a melancholy fact that nearly every society has underestimated the depth and scope of criminal motivation, especially in its context as the symptom of aggressive and acquisitive drives that possess a history as yet relatively unexplored. Now, as in the past, we seem more preoccupied with a desultory nibbling at the edges of the difficult problems involved in prevention, than in coping with their more substantial and to be sure complicated essence.

Indeed many public and private agencies, offering so-called preventive services, are toying with delinquency with a cavalierness usually reserved for far less portentous matters. Ofttimes they give the appearance of participating in an Indian rain dance. In such ceremonies the dancers, dressed in traditional costumes, prance feverishly to the monotonous rhythm of drum beats which seldom vary. The spectacle is colorful, and the dancers believe profoundly in the efficacy of the ritual; namely, that it will induce the heavens to inundate the parched earth with nourishing rain. But even a schoolchild knows that if the rains come, that is pure coincidence—not cause

and effect. The actual relationship of these sincere and sweating efforts to the creation of an atmospheric condition appropriate to rain is, to put the matter in its most charitable light, somewhat remote. It is however no more remote than the relationship of the vast majority of our efforts on the contemporary scene to the prevention of crime.

Suppose we state the proposition in the form of two searching questions, and thus come quickly to the core of this discussion: 1. In the name of prevention are we content to continue to lavish most of our energy on repressing or controlling crime? 2. Shouldn't our major efforts instead be shifted to preventing the social, economic and psychological factors which foster the development of individual predisposition to crime? These queries may seem rhetorical; among those to whom prevention means an effort to impart to our target a dimension of individualization, they are rhetorical. But they define more or less precisely the limits of the two types of enterprises between which a choice must be made. To dwell preponderantly on the former (as we do) is to deal with the problem opportunistically. To shift emphasis more to the latter is to deal with it realistically and enduringly. In brief, we prevent crime most effectively by learning when and how to prevent individual offenders! The task is that unromantic, that unspectacular, that unsusceptible to headlines and senate inquiries.

Tyranny of Tradition

But we cannot prevent criminals, directly or indirectly, through succumbing to that tyranny of tradition or reaction running through most of our current preventive efforts, in which a kind of ideological DDT is sprayed over groups of young and adult persons as though they were all similarly constituted and motivated. What, in this context, is "traditional" or "reactionary?" As one instance, it is commonplace to hear that the most effec-

tive means of preventing delinquency consists in bringing about the swift, certain and severe punishment of known offenders. But studies of recidivism (such as carried on by Sheldon and Eleanor Glueck), and an insight into the volume of unreported criminality, explode this myth. Most actual offenders are not caught; those who are receive uneven treatment; and a majority of those institutionalized express again their antisocial impulses in some socially unacceptable form.

It is also nearly as commonplace to hear that policing what a child reads and hears will serve the purpose of delinquency prevention. But, as we now know or should know, such expedients as the censorship of comics, radio, movies and literature have slight relationship to the fundamental causes of delinquency. Criticism has recently been addressed to modern education. It is accused as a contributor—even as a cause—of delinquency, by critics who could not, if asked, define modern education, but who content themselves with a prejudiced and grossly uninformed attack, the burden of which is limited to a claim that "discipline" is the answer to our delinquency woes. Again, proceeding on the outmoded principle prevailing in some places, that delinquency is actually unexpended physical energy, we make pathetically little progress in achieving the goal of enduring prevention through such otherwise essential community projects as playgrounds and neighborhood centers. They may siphon off excess energy, but they and their programs are scarcely designed to reach those who need diagnostic services or reaching them, nevertheless fail to deal therapeutically with the dark recesses of the mind of the disturbed youngster whose behavior pattern is antisocial.

There is no more reliable proof that any of these projects have enduring value as preventives of delinquency and crime than there is for the largely discredited theory that gang conflict prospers in direct ratio to the number of poolrooms and cellar clubs in what has been

called a "delinquency area" or "tension area." It is regrettable that temporary diminution of conflict here and there has produced extravagant claims for this remedy. On the contrary, experience over the long pull demonstrates that the lasting prevention of gang warfare is not linked to the extirpation of these plague spots, however otherwise desirable it might be to eliminate them. Gangs are groups of individuals, each with his history, each deriving his own brand of satisfaction from membership in a conflict gang, each requiring separate handling.

Nor is one justified in thinking of crime prevention in terms of ordinances prescribing penalties against the owner of an automobile who leaves his vehicle unattended or leaves the key in the ignition; or in terms of such disarmingly simple expedients, enacted by many cities and towns, as requiring their street corners and parks to be well lighted, or their young people to obey curfew regulations. At best these measures—and others of similar purport—should be considered in no other more significant light than as designed to remedy local, superficial conditions which may be considered favorable to the commission of delinquent acts and crimes. They are, at the very most, directed toward the control of crime, not its prevention.

Save for a handful of scientifically oriented enterprises which individualize their preventive services (about which more will be said later), our striving for crime prevention will remain futile so long as it depends for its success on such sterile methods as those we are pursuing. We are still mired deeply in a morass of fallacious notions, among which are the unproved theory that repression of the criminal behavior of some provides a successful technique for the deterrence of others, and that a judicious mixture of organized recreation plus censored entertainment prevents criminal ideas from infiltrating young minds. These are examples of what has been called "reactionary," because neither

theory touches on the conditions which are favorable to the emergence of patterns of criminality. They are traditional, because time and bitter experience have not weakened their powers of survival. To the extent that such methods ignore the infinite variety of combinations of factors which conspire to produce individual criminal offenders, the problem is thereby tragically oversimplified. When that happens, everything we do in the name of crime prevention fails to deal with the niceties, let alone the delicate art, of the prevention of crime at its source.

Moreover, efforts of this nature are reactionary because they are wasteful. We fail to secure results even nearly proportionate to the increasingly large expenditures we make in energy, time and money. There are those who will regard this as a species of cynicism. But every reliable index of social disorganization in our communities reinforces the thesis. Man is not becoming more law-abiding, by any means. We have recently been called less moral than ever by no less an authority than a U.S. senator. We are being reminded periodically that crime increases or decreases, as the case may be, a paltry few percentiles in comparison with previous years. On the whole, the ebb and flow of the enormous body of crime maintain the inexorable constancy of the tides. But the cost of law enforcement continues to pyramid merrily into astronomical figures, disproportionately to population increases, while the trends of prison populations, rates of recidivism, and criminal court calendars show no sign of abatement.

Outlet for Society

But this need not be, since we have it within our power to reduce crime rates substantially. These grim facts lead us to wonder whether there may not be sound reasons for postulating, as the psychological disciplines sometimes do, that many of us unconsciously prefer not

to prevent crime; that the prevalence of crime in a community serves a useful purpose.

Sinister as this may sound, suppose we briefly examine the background of the charge. It suggests that through the crimes of others the so-called non-criminal finds a safe and convenient outlet for his own unexpressed criminal impulses, and can readily identify himself with law enforcement before a sense of guilt overwhelms him. The average mystery story furnishes the escape hatch through which much guilt has crawled.

That is the charge. Now what is the evidence? It is an imperishable truism in every science that the *remedy* for a pathological condition is fashioned in terms of what is known at the time concerning the *cause* of the condition. Normally, when our knowledge of cause expands, our means of remedying the condition correspondingly change. Certainly that is true of the physical sciences. More often than not, the new remedy for a disease is a vast improvement over that which we utilized while we were steeped in ignorance concerning the cause of the disease.

Thus we would suppose, as our knowledge of the causes of crime grew, that our techniques of prevention would keep pace. But with some few exceptions, this did not occur. In the past, people genuinely devoted to the goal of crime prevention employed stubbornly those monolithic methods which, each in its time, clung closely to still more obsolete concepts of crime causation. Witchcraft and demonology were contemporary with the widespread popular obsession of many cultures that heretical or non-conforming behavior was a sin, instigated by spirit-possession. Exorcising the evil spirit from the offender (by means of any primitivism) followed naturally the assumption that crime was the product of a conspiracy between the devil and the offender who gave sanctuary to that spirit. This belief has not entirely passed into limbo. The Salem witch trials stand as symbols of the continuing search by communities for

some local Tituba on whom to foist blame for social misadventuring. The drive of the community to fasten responsibility for crime and delinquency upon parents exclusively, and of the parents to shift responsibility to the community, is reminiscent of the ancient necessity to find a scapegoat.

At another time, pursuing an equally illusory concept of crime causation, men believed their non-conforming fellowmen to be unregenerately venal creatures who, having a clear choice, deliberately chose crime as a way of life. Thus the concept of free will was invoked by philosophers to suggest a remedy for antisocial behavior. An earlier metaphysical approach to the problem, tinged anew with a religious flavor, led inevitably to the threat of ingenious forms of punishment designed to modify the actor's choice—to bend the will so that it might conform to that of the majority. There were Procrustean overtones to these efforts, in none of which did the tormentors reckon with the phenomenon that the inner rebellion in individuals which so often results in crime is not so evanescent a factor that it will yield readily to repressive measures. This concept has survived into modern times, as the increasing severity of punishment for multiple offenders amply demonstrates.

By reason of two such dominant views concerning the origin of crime, the use of fear as a weapon against non-conformists became one of the monotonously recurring ingredients in our crude preventive methods. In law enforcement society proceeded from the widespread employment of superstitious beliefs with which to instill that fear, to the dogmas or edicts of sovereigns—a disobedience of which provoked the cruelest forms of public punishment.

The methods of delinquency prevention also were once remarkably naive. In the Middle Ages, parents held their offspring in the firm grip of uncompromising discipline. It is another truism that a system of rigid parental control flourishes in direct ratio to belief in

the unvarying wisdom of an omnipotent patriarchy, which brooks not even slight deviations from children. Under such system, wherever it flourishes, youngsters are expected to contain their rebellious spirits in obedience to a standard of conduct and a code of morals fanatically rigid. The hope of success which such repressive techniques offered was founded on the theory that discipline imposed from above and without was the surest protection against the child's straying from the path of a parent's idea of rectitude.

Many other preventives of criminal behavior have been fashioned since civilized man has had to deal with crime. We have alternately employed such devices as curfew, the prohibition of liquor for men and strapless dresses for women, and the organization of boys' clubs (the latter of which, I hasten to add, have virtues not possessed by the others). But in most of these there was to be found a common denominator; namely, a moralistic overtone. This was bequeathed to us largely through a chain of inheritance forged by religious groups, twisted around an ill-formed body of mores which regarded conforming behavior as virtuous and non-conforming as sinful. Consequently we came to impart to our theories of crime an exaggerated emphasis on its evil quality, and an inclination to blame the influence of external forces for deviations from vague norms. These theories prevail in modified form today; in great measure they still represent the popular attitudes concerning the determinants of behavior of every kind. Mystical forces with "evil" purpose have evolved into environmental forces with "evil" connotations. We still talk in terms of the concept of "free will," and of penalties for being capable of distinguishing between "right and wrong" but refusing to do so.

It is perhaps unnecessary to remark that none of these doctrines of causation and these techniques of prevention were impressively effective in altering substantially the criminal drives to which civilized societies have been

exposed. While the nature of criminal behavior has undergone some changes over the centuries, the greater varieties reflect rather an increase in the myriad opportunities for crime which industrialized communities in a competitive society offer. For example, it is now possible to commit symbolic patricide through such a seemingly circuitous expression as the son's forgery of his father's signature on a check; whereas in the era anterior to banking the mechanics of patricide were more primitive, hence more direct.

It has already been remarked that the public generally still nourishes faith in the belief that the most effective preventive of crime is rigid enforcement of law and harsh punishment for violations. Many proponents argue that the record abundantly bolsters that faith. "Don't most motorists stop at red lights?" they ask meaningfully. "When a motorcycle policeman comes into view, don't speeding motorists reduce their speed to a lawful rate?"

Fallacies of the Belief in Deterrence

There are at least three answers to that misguided contention. First, we must distinguish between ordinary lawbreaking and actual criminality. We are not here concerned with the former, which is more or less universal. On at least one occasion each of us has violated some statute, intentionally or inadvertently; for these purposes it matters not which. Lawbreaking, it has aptly been said, is a trespass of the law involving either sheer accident, chance, or a situation calling for a more-rapid-than-customary-or-established mode of response.

But lawbreaking does not necessarily transform us into criminals; not every youngster who commits an offense is necessarily a delinquent, happily for most of us. To put the matter in another way, the hypothesis is justified that one capable of robbing, forging, raping, or even killing, may never have violated a traffic regulation. The delinquent who does concern us may be

defined with more precision as expressing symptomatically, ofttimes chronically, his internal maladjustment and conflict, in the form of antisocial behavior which represents the most satisfactory outlet for release of accumulated tensions and frustrations. As one of many items of proof that this is so, we know that offenders, under the stress of precipitating circumstances, often select, unconsciously, certain modes of expressing their particular emotional disturbances, modes peculiarly characteristic of their maladjustments.

Moreover, researchers in the social and psychological sciences have by now become firmly convinced that many emotionally disturbed offenders have an unconscious urge for punishment which is gratified by the penalty imposed by the administrators of criminal justice. These offenders are guilt-ridden creatures, whose early emotional lives have rendered them vulnerable to the need for expiating real or fancied "sins." Such offenders (and they are thought to be numerous) cannot obviously be deterred by the threat of punishment. But there is still another group, probably larger in number, whose members imagine themselves to be so much shrewder in the commission of their offenses than their apprehended colleagues in crime, that the fear of apprehension and punishment becomes a circumstance too remote for it to operate as a deterrent. These offenders are scornful of police; they regard their apprehended fellows with a kind of pity. For both of these groups, among others, rigid law enforcement does not possess preventive qualities.

The second refutation involves the significant difference between apparent and real criminality. Many law enforcement officials suspect that the numerical incidence of crime and delinquency, as reported officially on nationwide levels, represents little more than 25 per cent of the quantum of actual antisocial behavior in our communities. This is buttressed not only by the discovery that many so-called "first offenders" have committed as

many as fifty offenses (trivial and serious) prior to their first official police or court contact, but by the additional fact that much "white-collar" criminality, offenses by young people attending private schools, and other offenses involving breaches of trust, are by their very clandestine nature not susceptible of policing, and as has been frequently noted, may not later be reported to law enforcement officials. Consequently we are justified in believing that many of the statistical indices which we have been tempted to utilize for comparisons of crime from decade to decade are nearly worthless for that purpose. Certain it is, however, that they are unreliable for testing the efficacy of rigid law enforcement as a means of deterring or preventing the *real* incidence of criminality, not detracting from the obvious efficacy of police activities and the system of criminal justice as potent tools for the control of known crime.

The third refutation of the thesis that effective law enforcement prevents crime and delinquency is to be found in the fallacy that this can occur without widespread publicity concerning the punishment of the apprehended offender. No youngster contemplating delinquent behavior of an unspectacular nature can be deterred by a supposedly deterring event about which he knows nothing. What he does know, all too well, is that most persons who commit crime are not caught, and that the league between criminals and some police systems seems to spread the blanket of immunity over offenders. In urban centers, except for the banner headlines that feature the arrest, trial, conviction and punishment of notorious offenders or of those who have committed particularly heinous offenses, there is relatively little space in the daily press devoted to the ordinary offender and his escapades. Considerable space is given over however to rascals who defy arrest such as the gambler-racketeers featured in recent public hearings. Others, less featured, if and when caught, are dispatched in routine fashion without much more of a note than the

necessary bookkeeping in the clerk's docket. Unless, however, the fact of his apprehension by a vigilant, and mark you, incorruptible police force, and his later prompt conviction and equally prompt punishment, are brought suitably and consistently to the attention of potential offenders who might, alone because of that fact, be made to ponder well the course they propose to follow, most of the trappings of criminal justice, insofar as they are usable as deterring instrumentalities, are largely futile. Who can blame the average potential offender for being somewhat cynical—if not scornful—concerning law enforcement in our modern communities?

These confusions in goal are among the most prevalent on the contemporary scene; more importantly, they mirror the controlling passion of the public (and of public authorities) for crude or over-simplified solutions of an irritatingly complex problem. When, as invariably happens, the incidence of crime does not abate substantially or enduringly as a consequence of such measures of control as may be resorted to from time to time, it has nevertheless been the custom of the public to substitute others of no greater efficacy. In some places this process has been carried to extreme lengths until communities become saturated with unrelated prohibitions which, in the final analysis, touch the basic causative factors responsible for crime not at all. In the feverish race to add one prohibitory regulation to its predecessor, those personal traits and characteristics that, in their totality, produce uniquely different criminal patterns, succeed in eluding the collective public mind.

Promise for Prevention

This brings us then to a consideration of which pragmatic modes offer the greatest promise for preventing the criminal, rather than crime. Most modern criminologists quite properly feel that crime prevention entails dealing with people while they are yet young, before

behavior patterns become fixed. This is derived from the concept that in the commission of nearly every crime two sets of factors seem to operate simultaneously: 1) those called *predisposing,* existing in the past of the offender; and 2) those called *precipitating,* existing in the contemporary life of the offender.

Behavior scientists hold that the former dominate or control the offender's response to the latter; that except for the accidental or situational lawbreaker, unless a predisposition to some antisociality exists, ordinary environmental precipitants (unattended autos, unlighted street corners, cellar clubs, etc.) will not attract the average young person to the commission of crime.

Perhaps the most intriguing concept of causation, though still subject to considerable disagreement, has to do with the priority of mental and nervous disorders. In recent years the chief contribution of the psychological disciplines to the relentless search for clues to the mystery of why offenders offend is the doctrine that behavior is specially and specifically motivated; that crime is a symptom, actionally expressed, of internal maladjustment and conflict. It is by this time no longer open to reasonable argument that in each case the offender has been exposed to a hierarchy of influences. Ever since the aspiring science of criminology abandoned the archaic doctrine of single causation in favor of the doctrine of multiple causation, it has become increasingly evident that no two offenders are motivated by the same set of factors. The question arises, therefore, as to where the emphasis in preventive work should be placed.

This question cannot be answered simply, but the view has been expressed that our ignorance on the subject may be exaggerated by some behavior scientists, perhaps as markedly as the extent and quality of our knowledge has been overestimated by the lay public. Although there is healthy uncertainty in the area of specific causation, and although entrenched notions of those anchored to the rigid law enforcement theory and of those wedded

to the emotional-volitional doctrine are probably as widely separated today as they ever were, there has nevertheless been elicited a modicum of agreement regarding the intimate, surrounding circumstances which contribute to crime and delinquency. A few basic postulates have been wrung from exponents of extremist points of view without their fully intending or realizing it. A summary of those items upon which a minimum of disagreement occurs may be in order:

1. That in a very high proportion of instances, adult criminals are persons who have been seriously disturbed, maladjusted or delinquent children;

2. That at least a small percentage of children who become delinquent are mentally defective;

3. That a larger percentage of them suffer from personality distortion, mental tensions and conflicts, and faulty habits;

4. That an impressive proportion come from either definitely broken homes, or those in which the parents, by virtue of their own emotional structure and behavior, are not competent to establish the interpersonal relationships which give security, understanding and affection to their children;

5. That many delinquent children are to be found among those who have left school at a too early age, and had achieved neither sufficient academic education nor training in appropriate and useful trades or occupations;

6. That the highest proportion of delinquent children spring from communities in which processes of deterioration and disintegration are marked, manifesting themselves (a) in certain cultural standards different from and in conflict with the standards followed by the majority of persons; (b) in conditions of poverty, undernourishment, overcrowding and squalor; (c) in inadequate social provision for wholesome (or at least not antisocial) recreational outlets.

In the light of these findings, suppose we evaluate the

progress that has been made in establishing what is truly needed to thwart criminal careers at their source. A critical glance at that progress makes clear that enterprises are often organized more in accordance with the intuitive or popular beliefs of a relatively uninformed public, than in furtherance of sincere efforts to meet the conditions revealed in those findings.

Public and private agencies are not organized primarily for the prevention of delinquency. That function is considered to be indirectly related to other purposes. Direct services, designed mainly as crime preventives, are few. But both are equally important; for both, provided they are coordinated, are calculated to achieve one of the aims of modern society—to reduce to an irreducible minimum the quantum of nonconforming behavior in an average community's stream of life.

Examine some fairly typical indirect preventive services. It has already been suggested that, though wholesome recreation contributes a vital and significant force in the lives of everyone, projects devoted to providing such recreation for young people have exaggeratedly claimed for them the function of contributing to prevention of crime and delinquency. Similarly, the replacement of slums and blighted areas with good housing makes our cities and towns more attractive places in which families may live and work. Because a decent respect for the physical environment becomes an important element in preparing young people for law-abiding life, claims have also been made that housing projects contribute to the prevention of crime and delinquency. This is only partially justified; it matters more that we ascertain the kind of home a child lives in than the kind of house. Schools, because of their constant and intimate contact with all children in an effort to develop cultural values, occupy a strategic role in the prevention of delinquency and crime. But that role has not been strategically performed, and cannot be with unskilled staffs.

In contrast to the foregoing examples of indirect ser-

vices is the child guidance clinic, a direct service. This species of agency may be found in some hospitals, some school systems and some juvenile courts. Its purpose is to operate on a referral basis the required clinical facilities for the early recognition, understanding and treatment of children who manifest various types of behavior or personality disorders. The tools clinics posssess to carry out this purpose are medical, psychiatric, psychological, and social in character. The number of clinics is small, their staffs are pitifully undermanned, their budgets absurdly inadequate. Their most important limitation, however, is that they see only those children referred by agencies which recognize the need for diagnosis.

Concerted Action

What then is yet lacking? Basic to the activities of agencies which operate to furnish direct and indirect preventive services are certain prerequisites, upon which every preventive effort is more or less dependent for its maximum benefit. The community must have a procedure for measuring the quantum of predelinquent behavior. The community must promote understanding of the nature of the problem and of the manner in which it is proposed that it should be handled. The community must relate the problem of delinquency to its economic and social climate. Finally, the community must be prepared to act promptly to correct those conditions found to cause and contribute to delinquency, and to coordinate the service programs of all agencies dealing with children and youth into a larger plan in which their total needs are reckoned with.

Where delinquency prevention is concerned, the heart of coordination is the early recognition of behavior problems, and prompt referral for diagnosis and treatment. And naturally this means adequate treatment facilities for the caseload to be expected. To bring this about sometimes involves legislative reforms; on other oc-

casions it involves local agreement for case allocations. This applies equally to schools, clubs, organized recreation centers, police departments and health agencies, transient aid services and a wide variety of other casework and group work agencies. In short, the efficacy of any plan of coordination requires that all persons in the community who make contact with children should have their own function clearly defined and know how to bring into play all of the other community resources to benefit a given individual or family at precisely the right moment.

Under this blanket of responsibility are clergymen, teachers, union leaders, extension workers, personnel department workers, librarians, physicians, nurses, lawyers, staffs of housing projects, operators of amusement establishments, scout leaders and key leaders among the youth themselves.

But the accent of the attack is at least as important as the attack itself. In determining where the accent should be, there are at least two schools of thought in criminology today. There are those who believe that the approach should be of the shotgun variety, with its widespread attack based on the hope that a few of the pellets will hit the target. Another approach, to complete the simile, envisages the use of a gun that shoots accurately bullets aimed at a very specific bullseye.

These two philosophies seem on the surface to be antagonistic. In truth they are harmonious. Delinquency is a composite phenomenon, precisely because it is a by-product of the interaction of irresistible pressures in the social milieu with a constellation of uniquely personal susceptibilities. Since this is its dimension, it is essential that there be simultaneous preoccupation in the community with the need for corrective measures on the social level and for therapeutic services on the psychological level. This should not impose an unnatural strain on community resourcefulness, though it seems to call for the unaccustomed exercise of imagination and bold-

ness among folk who are still anchored to and prisoners of the traditional approach to delinquency.

Unless and until a concert of action on those levels is planned—day to day, week to week, year to year—and carried forward systematically and continuously, it is utter foolishness, it is an elaborate futility, to expect any substantial diminution in either the rate or numerical incidence of delinquency among American youth. We are dealing here with a manifestation of disorganization that will not yield to superficiality in treatment, because it is not superficial behavior. Delinquency is not an accident; delinquent patterns are not adventitiously formed; these patterns are never easily broken without enlightened help from enlightened people. That cannot be delinquency in fact which is sickness in science.

I have a fresh concrete proposal with which to launch this new approach. In one corner of this troubled area—the elementary and secondary school—we perceive the probability of a new fashion which may soon become realistically utilitarian. Mental hygiene will one day rise to the dignity of a necessity equivalent in importance to physical hygiene. The school, the strategic place through which all educable children must pass, will at intake expose every child routinely to a full battery of psychological tests and a psychiatric examination. A complete social history will be compiled. This process will be repeated at periodic intervals. All significant changes will be recorded, and when necessary, be made the occasion for referral to diagnostic, therapeutic, or other appropriate casework agencies organically affiliated with schools. Personality defects and unstable home situations will thus be uncovered early. In this way we may ensure prompt discovery of many maladjustments hitherto remaining unattended. And in this way (among others that are suggested by such a device) we may discover that the way to prevent crime is to prevent criminals.

The Role of the Schools in Heading Off Delinquency

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IN order to make meaningful a description of more efficient school procedures in handling of delinquents, we need to reach some common understanding of what a school is, and what a delinquent is. We need, for example, to know what truancy is. It is our conviction that as the schools apply more efficient help to children, school truancy can be abolished. Since in many juvenile courts truancy is the most common cause for referral of delinquents, the reduction of such referrals would aid materially to lighten the heavy court burden. Truancy, research has shown, is the most common symptom of many delinquent patterns and of later adult criminality; therefore accurate and early treatment of this symptom would make a real and vital contribution to reduction in the number of delinquents.

To understand these statements it is necessary to examine briefly some concepts about child behavior and some concepts about the process and function of a school. For example, we believe that truancy in the legal sense does not exist in reality. Truancy as a word has many cultural implications which are not valid in the light of today's findings and today's research about the needs of children.

The description of newer approaches by the school to these problems will not have much meaning unless the concepts through which the problem is approached are clearly understood. This is a plea for treating school delinquents in the light of scientific knowledge and care, rather than on the basis of a cultural bias which is a hangover from the fashions of an outmoded age.

The school, with all its manifold ramifications, aims to nurture the personality of each child so that he develops into his individualized pattern of a creative, mature adult. The school aims to provide the child with appropriate experiences through which he can acquire skills, attitudes, and knowledge so that he can contribute the maximum amount of his creative energy to the good of his home, his community, the nation and the world. A school functions as a process with an aim. In an adequate school the process is democratic in nature, expanding in content, exploratory in approach and flexible in operation. An efficient school is sensitive to the needs of the whole child and constantly seeks through cooperative efforts with the child's family and community to achieve those values which are the foundation of the good life.

The school ranks next to the family as the most important social institution influencing the growing child. Schools are the nation's front line of defense to preserve its democratic values and the general welfare of future generations. Every morning, two hundred days out of the year, a vast army of specialists, teachers, doctors, dentists, psychologists and social workers move into action to serve all of the children.

It has been said that to ask schools to do something about delinquency is like asking a living man to breathe. In a very real sense all activities of schools are focused on an anti-delinquency program. Yet to the extent that children's needs for growth are not met, the schools contribute to social dis-ease and delinquency.

It is ridiculous, of course, to place the total responsibility for this condition on the school. School operations are circumscribed by the culture in which the school functions. A disorganized, socially unhealthy home or neighborhood will produce socially unhealthy children. The limitations of the school in helping children traumatized by divorce, immature parents, poor health and delinquent neighbors are severe.

For our purposes we can say that a delinquent act is a hostile act committed against the person of another, against property, or against the good of the social order. These acts may be individual, as when one child attacks another, or steals by himself. Or they may be committed as a result of a group pattern such as an antisocial neighborhood gang. A few children are taught by adults to steal or they acquire that way of life from the patterns of a community which has widespread lawlessness. While a child in such a group may not be aware of his own hostility, he has taken over the hostile pattern of the group. From this point of view, school truancy becomes defined officially as delinquency because it is usually hostility toward or rejection of the social patterns of the state as reflected in the compulsory education laws. Thus the child who wilfully truants falls under the category of a legal delinquent.

As we deepen our understanding of the needs of delinquents, it is not enough to say that the basic problem is the control of hostility. Recently, for example, many books have been written on how to be a healthy adult, or how to avoid developing a neurotic personality. Basically, one of the central themes of such writing is how to avoid, control, or handle negative feelings—or the feeling of hostility. The mature life becomes a search for positivism as against negativism. Maturity is the overcoming of hate and the expression of love.

Practically, this type of thinking about the desirability of avoiding hostility is not too much help. We need to know more about hostility, so as to get deeper into the pattern of the delinquent. All too frequently we stop with a word, a name, not realizing that words are only symbols for something. Electricity is a word. We can say that it runs motors, it can be measured, produced and controlled. Yet it is almost impossible to define. So it is with the word hostility. However, the analogy of electricity suggests more things that can be said about

it. The following concept about the nature of hostility is offered:

1. Hostility is a negative emotion which is aroused as we become aware of our own lacks.
2. These lacks may be material, such as food, automobiles, etc. Or they may be non-material, such as spiritual values, feelings of security, love acceptance, creativity, success, praise, position of power, etc.
3. The greater the deprivation the child suffers, the greater is his hostility.
4. Hostility may be dissipated by expressing it outwardly, as in delinquency, or inwardly, as in self-punishing neuroticism.
5. Hostility is usually accompanied by feelings of guilt and fear. Thus it tends to stop the growth process and to develop stereotypes of behavior. This is essentially the pattern of the neurotic personality.

Hostility in the School

With the above ideas in mind we can see how many schools place the child in a precarious, if not dangerous, emotional situation. The school becomes the place where he is made aware of what he lacks. If a school degenerates into an elaborate testing machine many children become surrounded by a climate of these negative hostile emotions. The children become aware of the impact of negative emotions. No wonder we see the inadequate child become resentful of his school experience, stop learning and develop unhealthy social patterns. For some children these patterns are expressed in truancy, fighting, stealing or illness. The threshold of tolerance to negative emotions varies with each child, and with each group in which the child functions. Some children can remain in school failing each year with little apparent damage because they are in a group which supports this

type of experience. Other children become extremely traumatized and have personality scars the rest of their lives.

School failure thus always predisposes a child to overt delinquency. What is the cause of the failure—at what point can the vicious cycle of failure, resentment, guilt and fear become broken? Many children become non-readers for example, because of their negative feelings. As they experience failure they become more resentful and frozen in their behavior. Such a child also experiences a sense of rejection by his own group. (The classroom "dummy" shows up our own fears or lacks.)

It is obvious then that a child who is not learning has to produce some protective device for his own ego. This may be truancy, delinquency, indifference, or some other outlet. It is obvious, too, that the aim of treatment is to give such a child the experience of success to break the stereotyped pattern of non-learning and to reactivate the normal learning process.

In a school situation with such a negative climate the worst behavior of the children will be expressed outside; for example, on the buses going to and from school. Such a school will have the highest rate of glass breakage and the highest rate of attendance drop-outs.

As we reflect on other lacks, such as those stemming from differences in economic, racial and religious levels of parental cultural background, the psychological problems of school adjustment loom large. Fortunately for us, the child has a great capacity for love and for response to cooperative efforts to help him, and great faith and confidence in adults around him. Also, too much credit cannot be given to school efforts to reach out and help these children with all their complex needs. Teachers and other personnel are increasingly sensitive to emotional problems of children. Courses in mental hygiene, human relationships, and child development are considered prime requisites for every good teacher. As we become more aware of children's problems in today's world we may wonder that there is not more delinquency.

The Dynamic Drive for Growth

A basic desire and drive for growth is present in all children. This is a rather simple statement, but when we examine its implications we can construct a framework for treatment measures. For example, among young boys in reformatories the statement is frequently heard, "I want to be a man," or "From now on I am going to be a man." Children delight in measuring their height as if they want to have more definite evidence of their physical development. In fact as we observe growth in all aspects of behavior it seems as if nature has that one purpose, development for survival. Thus it is possible to make the following propositions about human development:

1. The psyche of a child is designed for growth, growth in the biological, social and spiritual areas of the thing we call personality.
2. Growth will be continuous as long as the personality receives the proper "nurture."

Therefore it can be said that the desire of normal children is to go to school. This seems evident as one watches the distress children feel when they cannot attend school because of some illness or transportation difficulty.

Truancy Redefined

In the light of the above considerations it is possible to clarify the meaning of truancy. Compulsory school laws vary in detail but all require attendance up to a minimum of fourteen years of age and a maximum of eighteen. Exceptions are provided because of health condition, educability, etc.

Non-attendance becomes delinquency or truancy in the legal sense when a child remains away from school for a period of time without the knowledge of his parents. Frequently the word wilful is used. Thus a child who wilfully remains away from school becomes a truant sub-

ject to commitment to a special corrective school or to other disposition by the court. But this legal concept of truancy has no basis in psychological fact. There is therefore no such entity as a legal truant. There are hostile children who hate school. There are fearful children who become frightened even at the thought of school. For the preservation of their own personalities they are in a psychological sense pressured into remaining away from school. Actually it is just as impossible for them to attend as it is for a child with a broken leg, or a child with a temperature of 103.

In our culture truancy has a connotation of badness. When a child is bad he should be given discipline, i. e., corporal punishment. If such measures are not effective, the child should then be taken into court and if he does not react with cooperation there, he should be sent away to a corrective institution where he can be disciplined and can learn habits of conformity.

These concepts are outmoded, a product of an age which is past. Now we know that all too frequently these badly scared children do not react positively to warnings, threats, corporal punishment or mere institutional commitment. Growth and change for these negative, hostile children comes only when the help they receive alters or modifies the mainsprings of personality, and help, to be effective, must remove or alter basic causes. Routine treatment for truants is about as effective as it would be in a hospital. To complete this analogy, it is as if all the patients were housed in the same kind of ward, given the same medication, and told that if they didn't get well they would be punished. These patients would be made to feel guilty over their broken legs, sore heads or infections.

We need to realize that the impulse to search out guilt and fix punishment is deep in our culture. For most adults, blame and punishment has been a common experience. It is for this reason that it is difficult to dislodge their negative attitude toward truants. The road

to knowledge is comparatively easy, in that credit after credit can be accumulated. But the road to positive attitudes and disciplined emotions is vastly more difficult, for emotional attitudes are being learned even at the time that food habits are being established. Cultural attitudes toward the delinquent can be altered only by emotional changes. In a sense, this is the aim of casework and of psychotherapy. The learner must not only grasp these problems intellectually but must sense them emotionally.

Effective procedures to help truants can only be meaningful and effective with understanding of the personality dynamics of each child. We have said that truants are hostile and resentful children because they have been made aware of their own lacks. In the school situation feelings of hostility are most frequently present in the child who is not learning. The non-learner in an average classroom, unless given special help, is the most completely rejected child in the group. He has to meet and handle a great deal of hostility directed toward him and in turn he directs his hostility toward others. We are forced therefore to speak of a truancy syndrome. Better still we should drop the word truancy and speak of school resistance. The following factors are offered as important in this school-resistance frame of reference:

1. Low or impaired intelligence functioning
2. Defective self-image
3. Growth conflicts
4. Unusual group or family patterns
5. Extreme character defects
6. Boredom

It is apparent that these elements are not always sharply separated. One or more of them may operate in the same child. The characteristic most common to these children is non-learning, the degree and cause of which are only suggested by such groupings. It is obvious that the child who cannot get his assignments, who

is not as quick as his classmates, suffers from class rejection. His family too is apt to reject him. Many of these children fall into stereotyped behavior, become apathetic and seem relatively content with what little satisfaction is offered them. Others react to the pain of failure by resisting school, preferring to run the risk of legal punishment. Some even prefer commitment to a correctional institution to remaining in the normal school. Special class assignments in some instances may help, but belonging to the "dummy class" precipitates fights in the hallways and playgrounds, evidence of continual rejection.

The Gary Program

Legal compulsion to force these boys and girls to remain in school and experience more failure is illogical, harmful and socially wasteful. But what is the school to do? In the Gary school system a program based on the needs of this type of child was set up on an experimental basis several years ago. Approximately 100 children were selected for special placement. In the regular school one-fourth of these children were chronic truants, the others had poor school attendance. Thirty per cent were serious behavior problems because of frequent fighting and quarreling. In the new school setting the following goals were set up:

1. Small classes not to exceed fifteen per teacher, to provide close and intimate relationships with the teacher.
2. Emphasis upon giving the children the satisfaction of some success each day.
3. Classes held for only a half day to give these anxious and fear-ridden children more freedom and an experience of time-free activity.
4. Setting of the separate school centers made as permissive as possible. For example, it was explained to the children that their attendance was not compulsory.

5. Training given in reading and writing but with equal emphasis on free play, drawing and related activities.
6. Casework counselling for the parents, and efforts to modify their negative attitudes.
7. Selection of children on the basis of psychological tests and case histories, with screening through school case conferences.

These children were given an extra dose of "nurture"; the learning process was re-started on their own level; additional freedom and like-grouping resulted in a reduction of hostility and rejection.

After two years of operation of this separate center truancy in this group completely disappeared, and attendance bettered the citywide average. Twenty-five per cent of the children gained over ten points in their IQ tests and the majority of the parents commented on improved behavior at home. The cost of such a program did not exceed that for the average child in a normal school setting.

This is an example of what schools can do as they seek more flexible programs to offset the delinquent pattern in children not fitted for the normal school setting. We are convinced that as long as casework services can be given to the families, the program will continue to be successful.

A comment at this point about IQ tests is in order. On a practical level intelligence seems still to be defined in terms of what the tests test. If a child does not happen to know what a streetcar is, or to have no experience with a plough, he is handicapped on an intelligence test. In other words cultural bias has been demonstrated to operate in tests. Also, we have not spent sufficient time to give the so-called feebleminded children psychotherapy. We have too frequently acted on the assumption that the best place for them is in an institution. Again research has shown that this is often a false assumption. With skilled casework many of them can be brought to

normal or near normal functioning. Certainly when they resist school because of inability to adjust to groups or school curriculum they should not be given the punishment of legal compulsion to fit into a routine unfitted for their needs.

School resistance due to a defective self-image is essentially a problem of non-learning; the child draws an inner picture of himself as unable to learn. This may be specific or general in nature. This child's non-learning has nothing to do with his intelligence. It is a psychological problem because the child says to himself, "I can't learn." These children are most frequently products of negative attitudes common in many American families. "You can't do this." "You are dumb." "Why are you stupid?" "I knew you couldn't do that." These are typical of verbal assaults by adults on children. This generation has become more decent in the legal protection given children, but we are not yet mature enough to be just people with them.

The child who, on his first attempt, is told that he can't sing, may continue to sing in a monotone, or give up entirely. The same mechanism operates in other fields of learning. Not infrequently a non-speller will make the same number of mistakes on different levels of spelling material. He has to be consistent with the personality he has erected for himself.

He pays, of course, the price of failure and runs the risk of eventually finding the school situation so distasteful and unpleasant that he remains away from it. Compelling him to remain in school does not help him. He needs to become aware of what and why he functions in this fashion and to re-start the learning experience.

School resistance may develop as a result of growth conflicts. We are now aware that all learning involves the overcoming of guilt; any creative act is a struggle with guilt. The already fearful child may resist learning simply because he fears to know more about reality. Or he may resist learning because what he is offered

does not fit into his personality. For example, a boy with a drive to become masculine can easily identify reading and spelling with femininity; therefore, he has to resist such learning. Other forces, such as group approval, or his desire to get into the third grade, may overbalance his lack of interest in the subject matter, so that the result may be a compromise. But there are always more boys in the non-reading classes than girls, and most of the boys do not have defective intelligence; many of them have average or superior intelligence. The boys are more apt to be caught up with the aggressive drama of life as brought to them via television, comic books, etc., than the girls. So boys have an additional struggle to make much sense or meaning out of spelling c-a-t while in fantasy they are out chasing robbers. We must remember too that unfortunately for the boys, the teachers in the grades are usually female, and the boys have the added burden of shaping a woman teacher into their masculine ego-ideal.

When such boys develop school resistance, counselling or tutoring from a man teacher is frequently helpful, or extra tutoring so that their feeling of being outdone by the girls can be reduced. Emphasis on such activities as athletics or shopwork is also helpful.

Some students cannot permit themselves to learn because learning violates the family pattern. For example, a girl of seventeen could not permit herself to graduate from school because it violated her sense of what was fitting. Her family held that girls should not be high school graduates. It was only when this conflict was ventilated that she was able to finish her school work. Children who begin to exceed the educational level of their parents may gradually lose interest in school work. It is as if the boy says, "My aim is to be as good as my father—but no better." Perhaps the parents say to the children, "I had a third grade education and got along all right, so education is not important for you." A gradual loss of interest results.

Much more prevalent a force in school resistance is the pressure of different social classes on groups. The schools are called upon to serve children from many differing social and economic backgrounds, and class pressure and friction is bound to occur. This is particularly true at the high school level where the extra expense of school activities is felt. Some children become ashamed of their homes, their lack of cars for dates, the lack of family membership in the country club. These differences create constant pressure on many children to leave school and they develop a lack of enthusiasm for learning. For many this feeling becomes intense. Experience has shown that when the group pressures cannot be overcome, it is far better to arrange some other life experience for these adolescents, such as work. What is recommended depends upon analysis of the total picture.

Gang values may become a strong force against learning. If you get good grades you are a sucker. The student is thus caught up between the ideals of the school and the ideals of his social group. Unfortunately, far too often the latter win.

Students whose resistance to school is due to extreme character defect are diagnosed psychiatrically as having a character neurosis—they are mentally ill children. Some do not have enough energy to get out of bed in the morning. In the classroom they are destructive and uncontrollable, and the whole class suffers by their presence. They act as if they are in a living nightmare. For no reason observable, they may suddenly fight or steal or become uncontrollable. It is useless to send them into a juvenile court unless such a referral will result in psychiatric care. Occasionally a measure of education can be given them by tutors sent to their homes while they are receiving such care. Special orthogenic schools should be devised for them.

The "normal" truant belongs in the group of those

who resist school because of boredom. Perhaps at one time or another it has included all of us, for it is in the nature of living to resist conformity, routine, rigid rules, and to seek variety and creativity, using freedom to explore at the unfettered dictates of the will. Many gifted children are in this category. The meager offerings of the classroom bore them. They are not challenged sufficiently and become restless from monotony. In a sense they are a test of the school's flexibility and control. It is granted that a fundamental aim of all living is some type of order, but order should not be sacrificed for a conformity which is deadening to the spirit.

We cannot ignore this problem, nor can we give in to the demands of these students for complete freedom. When rules are avoided by a few, control over the group is threatened. These children challenge the imagination of teachers and school administrators. Giving them enriched programs and understanding and wise counsel is usually the best answer. Labeling them truants or delinquents is as fruitless as it is dangerous. Individual treatment is best for them as well as for the morale of the school.

Some Results of These Concepts

It is maintained that these briefly stated concepts are not armchair theories, that they have a close relationship to the entire problem of delinquency. The delinquent or pre-delinquent is the child struggling with an excessive amount of hostility which stems from a variety of his own lacks. The danger point is reached when his growing personality becomes frozen — when set and stereotyped behavior sets in. At this point he is apt to take flight either into outward aggressive acts, or escaping from reality, to develop a neurotic or mentally ill personality. Learning, in the broad sense, is the answer to this problem. Learning has to be fitted into the individual need pattern and level. To this end the school

is constantly challenged in all its aspects. It is one of the chief defenses against delinquency. If the school is flexible and adequately staffed, truancy is not a legal problem to refer to a court, but a matter of overcoming any child's resistance to learning by individual diagnosis and treatment.

As a result of this point of view, the Gary school system does not use the juvenile court for problems of truancy. As facilities have been increased and trained staff made available, referral of truants to the juvenile court has been reduced from an average of 350 cases per year out of an enrollment of 23,000 to zero.

Insofar as we can determine, the rates of school attendance have not been lowered. In fact, Gary was found to have a higher rate of attendance than before in comparison to another large city with similar population background.

This program has been made possible partly by changing the function of attendance officers and by substituting casework procedures. Referrals to mental hygiene clinics have increased. Some 150 children are now in special school centers which did not exist previously. The number of students receiving home tutoring services has also more than doubled, because home tutoring has come to include those suffering from emotional as well as physical problems.

We do not as yet know definitely the effect of this program on the whole range of the delinquency problem. The conclusion, however, is clear that these children have been helped by avoidance of the label of delinquency, and that their later social adjustment has been bettered because they have maintained a learning pattern.

As schools become more sensitized to the greater needs of children beyond the range of academic learning, fewer will be traumatized and hostile. This reduction in turn means less delinquency. Schools can only enlarge their vision and functioning as they receive the support of

their communities. New ventures require new faith and new courage. Today we are called upon as never before to seek new horizons and try new techniques for our children. As Lincoln said: "The dogmas of the quiet past are inadequate to the stormy present. We must disenthrall ourselves." So it is that we must disenthrall ourselves from outworn and inadequate patterns of education and corrective measures for delinquents. Thus we can all help bring into reality the school of the future.

Heading Off Delinquency by State Youth Commissions

RALPH W. WHELAN
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IN the last ten years thirty-five state commissions or committees on youth have been established in as many states. They fall into four general categories. The first of these—and the broadest—is concerned with the whole field of youth needs and youth problems, with emphasis on the prevention of juvenile delinquency. Commissions in New Jersey, New York, and Illinois are in this group. The second category includes the "code commissions"—for example, those in Alabama, Montana, Oklahoma, and Florida—whose function it is to review and improve laws relating to children, often with emphasis on the children's courts. The third group consists of state agencies concerned particularly with prevention of juvenile delinquency and treatment of youthful offenders by means of probation, parole, and institutional treatment. Their structure is generally patterned after the basic Youth Authority Act developed by the American Law Institute; typical examples of this group are the Youth Authority in California and the Youth Conservation Commission in Minnesota. In the fourth category, which overlaps the previous three, are agencies like those established in Arkansas and Wisconsin, concerned almost solely with the prevention of juvenile delinquency and youth crimes.

Some of these state agencies are linked to existing state departments which have specific responsibility for the welfare and protection of children, or are incorporated into the structure of a permanent state department and function as a constituent division. Others are simply legislative commissions for children and youth. In some states the agencies were established and are supported cooperatively by public and private children's agencies and other interested groups.

In regard to source of financial support they are no more uniform than they are in purpose and organization. Their money comes from such sources as a governor's special fund, a grant from a state department of public welfare, direct state legislative appropriation, federal funds, and voluntary contributions by citizens' groups. Their budgets range from zero to $5,000,000, but are not easily comparable because of the difference in responsibilities from state to state. Generally speaking, the agencies in the upper financial brackets, with one or two exceptions, are those of the youth authority type, whose responsibility includes not only prevention of delinquency but also some share in probation, parole, and institutional treatment.

Almost all of the commissions are engaged, in varying degrees, in one or more of the following activities, depending on the laws under which they function and the restrictions imposed by their budgets:

1. Carrying on research into youth and community needs. In the code commissions this is confined almost entirely to legislation.
2. Guiding and advising operating agencies, particularly with respect to recreation programs and facilities.
3. Conducting programs of public education in connection with youth problems, including family life education.
4. Supervising probation, parole, and institutional care for adjudicated delinquents (in the Youth Authority setup).
5. Coordinating and fostering cooperation among state departments, municipalities, public and private agencies, and local community groups.
6. Granting state financial aid to municipalities for youth services.

It is thus clear that most of these agencies view as their mission or are specifically charged with the job of stimulating community efforts for youth. Practically

speaking, however, most of them confine their efforts to research, promotion of legislation, and community education and organization.

The operation of a youth commission program is best understood when one examines it in action on the local community level. The New York State Youth Commission Act provides for research, state aid, and coordination of services. In implementing the act, the commission has undertaken research as to the causes, extent, and trends of juvenile delinquency; it has undertaken a study of 10,000 elementary school children to determine how accurately vulnerability to delinquency may be detected at an early age; it is making a study of the morass of state laws affecting offenders in the 16-to-21 age group; it has done considerable educational work through documentary films and addresses to local groups and through the promulgation of a very significant "Children's Bill of Rights"; it has conducted training institutes for recreation workers. The commission distributes over two million dollars a year to more than 700 projects throughout the state.

New York City Agency

The New York City Youth Board, a city agency responsible directly to the mayor, was established in 1947 under the New York State Youth Commission Act and by resolution of the New York City Board of Estimate. The Youth Board consists of thirteen non-salaried persons appointed by the mayor. The others are the heads of the welfare, health, parks, and police departments, the Children's Court, the City Housing Authority, and the Board of Education. The board's functions are (1) to coordinate the activities of public, private, and religious agencies; (2) to make studies and analyses of the problems of youth guidance and the prevention of juvenile delinquency; (3) to seek to remove the causes of juvenile delinquency; (4) to disseminate information on the prevention, treatment, and causes of

delinquency; and (5) to approve applications for financial aid to public and private agencies in the operation of recreation and youth service projects. (The term "youths" includes all persons under twenty-one years of age.)

In addition to the preservation of family life and the protection of children, several basic principles have served as a foundation for the development of the New York City Youth Board program since its inception.

1. Recognition of the need for sound objective data on the extent of problems among children and their families.
2. Recognition of the already existing services available for children, such as family, youth counseling, and child guidance services, and the need to expand them to meet the known needs more adequately.
3. Recognition of the need to detect behavior and personality problems of children and youth at the earliest possible time and to secure adequate treatment services for children in the incipient stages of their problems.
4. Recognition of religion as an important factor in the life of the individual and the development of a program whereby sectarian agencies can expand their services to assist children and youth in their faiths.
5. Recognition of the value of widespread recreation in community programs in highly congested areas where neighborhood conditions endanger the physical and moral health of children and youth.

On the basis of preliminary studies and projects, including a "trial balloon" summer program in 1948 and a community self-study in the Bronx, the board developed a comprehensive year-round program, of which the highlights are the following:

1. A plan for detecting children and youth with behavior and personality problems and referring them to appropriate individual and group treatment services.
2. The expansion of these treatment services to meet existing needs.
3. The development of a program of community-wide organized recreation.
4. A plan for adequate in-service training programs to strengthen the staffs of official agencies of the city which have direct responsibility for working with children.
5. A plan for better arrangement and use of existing services for children and youth.

The "heart" or keynote of our youth board programs is our policy of actively and aggressively going out to help parents and children who are in trouble or are approaching some kind of trouble. We call this "reaching out" and "reaching the unreached."

You are aware, I am sure, of the trend that social work has taken in the past fifteen years or so, the trend toward what is called socialized psychotherapy or psychological counseling. This philosophy of help puts much responsibility on the client and says that only those who want and can use the type of service the agency offers will be acceptable. In group work it often means that only the most conforming boys and girls participate in such programs. We believe, however, that the agency should be fitted to the client's needs, not the clients to the agency's program. We believe that community agencies organized originally to serve the community and supported by the community should be geared to meet community needs, not just the needs of a selected group who often can pay for the service they require. We are deliberately and hopefully trying to gear our programs and projects to reach those children and youth who without help might pass through "the revolving door of crime," which means going from

the children's court to the wayward minor court to the adult court, from the institution for delinquents to the reformatory and finally to the state prison.

As you can see, our program is a large order. The board receives $1,175,000 from the city Board of Estimate each year. This sum is matched by the state, upon approval of the total Youth Board program by the State Youth Commission. Although $2,350,000 sounds like a large amount, it would not go far in a city the size of New York if we did not attempt to focus the scope of our job sharply on areas of high delinquency. The program, therefore, is conducted in the eleven areas of highest delinquency — Mott Haven-Longwood and Morrisania-Belmont in the Bronx; Bedford-Stuyvesant, Upper Williamsburg, Brownsville, and South Brooklyn in Brooklyn; Park West, Upper West Side (Washington Heights), East Harlem, and Central Harlem in Manhattan; and South Jamaica in Queens. Each area contains about 200,000 people and is comparable in size to such cities as Albany, Trenton, Toledo, and Providence.

The core of the program in each area is the referral unit, staffed by a supervisor and social workers trained and experienced in working with children who present behavior problems. Through its contacts with parents, public and parochial schools, clergymen, police, and social agencies, the referral unit identifies children who need help. When a problem becomes known to the unit the worker interviews the child and his parents, obtains information from all available sources, and refers the child and his parents to the agency best equipped to meet his needs. The function of the unit is to bring the child, his family, and the treatment agency together as quickly as possible in the beginning stages of the problem. Anticipating an increase in referrals, the board entered into agreements with treatment agencies whereby services are to be made available within forty-eight hours after referral. After the case has been

treated as far as the treatment agency feels it can go, the referral unit evaluates the current situation to determine whether additional treatment is needed and whether any further services are required.

Youth board funds are not used to subsidize going programs or to make up deficits. They are provided only for purposes of expansion to meet known specific needs. The board does not tell the established agency to do more and better work of the same kind that it has been doing.

In addition to the referral unit and treatment program for individual children and their parents, the board has provided leisure-time services through contracts with public and private recreation and group work agencies. The Board of Education program, the Police Athletic League, and private group work services have been developed so that there is now a fair concentration of such services to each of the highly congested areas.

The names of agencies with which the Youth Board has made contracts for additional treatment and recreational services in one typical area in the Bronx indicate the variety of services they render in accordance with the area plan outlined above. These agencies are: Jewish Family Service, Jewish Board of Guardians, Catholic Charities family and youth counseling services, Catholic Charities Guidance Institute, Community Service Society, Youth Consultation Service of the Protestant Episcopal Church, three Board of Education recreation centers, Forest Neighborhood House, Inc., Police Athletic League, Edward Lynch Center, Bronx Y.W. and Y.M.H.A., and several Catholic Youth Organization projects.

Working hand in hand with the referral units and contract agencies, our borough field staff acts as the integrating force in a network of services focused specifically on the needs of youth. Thus we have an effective combination of referral unit, contract agency, and field consultant, backed by the central office staff

of professional consultants and research experts, all working in direct relation to the revealed needs of children and their parents. Here, in accordance with a single master plan, are diagnostic, treatment, community organization planning, and research personnel focusing their energies on youth problems. By means of this approach the resources of the community are brought to bear on the problems in a unified, integrated way, making it possible for us to reach many previously unreached children and parents and to obtain for them the services they need at a cost which is not excessive when related either to the previous experience of the community or to the economic and social cost of not treating them at all.

In the first year of our experience about one-third of the clients known to the referral units either did not accept referral to treatment or went for a couple of interviews to the agency and then dropped out. These clients are classified as "resistive"; they are too damaged, often too deteriorated, to be able in the beginning to use anything but supportive help. Their situation often involved both physical and emotional neglect. They are the "unreached," the ones who continue to present problems in the school and the community. As a first step in helping these discouraged, troubled, and hard-pressed clients, we have set up a new project, in cooperation with the Bureau of Child Welfare of the Department of Welfare, known as Case Work Service for Families and Children. Here the role of the social worker is reversed. Instead of the client coming to him, he goes to the client "aggressively," taking some of his techniques from the unpopular and industrious salesman. He has had to learn that doors slammed in his face are not insuperable obstacles, and I suspect that some of these social workers have learned to use the "foot in the door" technique. One worker stood outside a door for minutes, begging admission, and finally succeeded in getting a discouraged, harassed mother

to sit down and talk to him. During the interview one of the children in the overcrowded tenement climbed to the top of the bureau and, pointing two toy guns at the worker, cried, "Bang, bang, you're dead." The mother said in a tone of resignation, "There's no point in trying to kill him off because if you do another will come and take his place." This episode may be variously interpreted, but actually it was the turning point in getting help to a sorely pressed, discouraged mother who finally responded to the worker as one who really cared enough about her to keep on trying.

Another example of the "keep on trying" technique involves a worker in a very deprived neighborhood where the residents were particularly belligerent about social workers. They had in their opinion been "kicked around" and "snooped at" by social workers with no help forthcoming. This particular social worker from one of our referral units had been chased away from the door on his first visit by a very large and ferocious woman who would have nothing to do with him. On his second visit he was met by a committee of neighborhood mothers armed with brooms and sticks, and he had to retreat. On the third visit he somehow managed to get in the kitchen where the mother was ironing her little girl's dress—the dress of the little girl he had come to talk about. A freshly baked batch of cookies stood on the kitchen table. Quickly mentioning the good smell of the cookies, the pretty dress, and the hard work the mother had to put into keeping her family together, he got her interest and attention. Over several of the cookies they sat down and had a talk. The mother described her hard life. She was an illegitimate child of an illegitimate child. Her little girl, in whom we were interested, was born out of wedlock as were several other children in the family. In the course of the conversation, the worker asked if the mother would like to change conditions for her children—she certainly would not want them to repeat her unsatis-

factory and unhappy life. This was the beginning of an understanding relationship, and this mother is now handling her little girl in such a way that she is no longer a problem in school. I want to point out here that this is a mother labeled by many agencies as "inadequate" and untreatable, and the home situation as one of "gross social pathology" with which the agency was not equipped to deal.

Now you must be aware that social workers who can do this type of work are rare. They must be well trained, and they must be aware of unconscious motivations and drives and how they affect behavior. Above all they have to *like* people, which means having a deep-seated respect for and acceptance of all people regardless of how "inadequate" and downtrodden they are.

It is important for us to re-examine the policies and function of our present services to children and youth, in addition to establishing new services, if we are to develop and mold community resources into the most effective pattern of assistance. The work of the Youth Board with street clubs and so-called youth gangs is the result of re-examining our approach to teen-agers. This aspect of our program is particularly urgent because of the violence exercised by some of these groups, violence which has resulted in hundreds of injuries every year and several homicides. We have learned that the formation of such groups is a natural phenomenon and that the vast majority are not antisocial. Experience has indicated that many members of those groups that *have* developed patterns of antisocial behavior are young people deprived in various ways—deprived of a satisfying family life; of opportunities for education, employment, and recreation; of a feeling that they count for much in their community. We have found, however, that they are responsive to understanding, friendly workers who reach out to them, who accept them as they are, and who work with them in their own setting — the street corners, the poolroom, the

candy store, the tenement hallway. Once the worker has established a meaningful relationship he can help the members of the gang find more constructive ways of meeting their needs through athletic, social, and club activities, and he can promote ways and means of settling inter-gang conflict and fighting through mediation and supervised fisticuffs. Ultimately, the adjustment of these young people will depend on the community's recreational, counseling, vocational, health, and psychiatric services.

V THE COMMUNITY AND THE AGENCY

A Modern Foundation for the Casework Services of a Community

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IN our community, Seattle, we have just completed a rather thorough study of social services for families and children and I have been seeking the broad significance of some of the findings which this study has revealed. It is too much to expect that anyone outside the casework field will develop anything very original or significant for the field of casework but for whatever it may be worth, I should like to share with you some of my own thoughts as they relate to the community pattern as shown by the study to which reference has already been made. My focus will relate particularly to services for disturbed children in need or potentially in need of casework.

Seattle is a seaport city with a population of approximately half a million within its corporate limits and another 250,000 in the county area adjoining. Before analyzing the results of our study I want to summarize the findings.

1. In 1949 the juvenile divisions of our police and sheriffs offices recorded knowledge of a behavior problem for more than 7500 children under eighteen years of age.

a) Two-thirds of these children were boys of whom the great majority were between thirteen and seventeen.

b) One-third of the total were girls about half of whom were between thirteen and eighteen.

c) Among the total were 316 boys and 438 girls so determined to leave home that parents had to enlist the help of the police to get them back.
Beyond this effort, however, the police (and sheriff) offered the parents no help either in understanding the causes of the impulse to wander or in getting help if they felt the need of it.

d) For two children out of every three coming to the attention of the juvenile bureaus, their behavior was the direct result of family problems including neglect or abuse.
Despite these facts only 4 children were referred to the county welfare department, 10 to school authorities and 17 to other welfare agencies (excluding the juvenile court).
Deputy sheriffs dealing with families seemed to think that recreation was the major cure-all for delinquency.
Both police and sheriffs attempted to provide children coming to their attention with their special brand of "casework" counseling but seemed unable to utilize the more skilled casework services provided by the community through other agencies.

2. Nearly 4000 children under eighteen years of age were dealt with by our juvenile court in 1949.

a) Five hundred fifty of these were involved in traffic violations.

b) About two-thirds of the 4000 were boys, half of whom were classified as dependent and half as delinquent. The girls were classified in the same proportion as the boys.

c) Fifty-three per cent of all the children coming to the court (in 1949) were placed in detention (as compared with an estimated national average of 31 per cent).

d) The most surprising fact to us was that those children classified as dependent had an average stay in detention (26 days) almost three times as long as those classified as delinquent (10 days for boys and 15 days for girls).
e) One hundred and one of the children placed in detention during 1949 were under six years of age.

3. The public schools had developed a highly skilled psychological diagnostic service to which some 2187 children manifesting problems were referred for study during 1949.

a) Over one-third of these children needed help with personality and social adjustment problems, yet less than 5 per cent (91 children) were referred to a service prepared to give them this help.
b) The great bulk of the diagnostic and treatment services in the public schools was concentrated in the junior and senior high schools rather than in the elementary grades.
c) The parental schools to which children are sent when they cannot adjust in the regular schools were operating without benefit of a treatment program beyond that which normally is offered in any boarding school; this despite the fact that their basic problem was not education but behavior traceable to a multiplicity of causes.

4. The county welfare department served an overwhelming proportion of the children aided in our community by social casework agencies.

a) Of some 7200 families receiving care from public and private agencies on October 31, 1949 (excluding old age assistance and aid to the blind), half were families with children.
b) Caseloads in the public welfare agencies where some of the greatest opportunities for preventive

casework exist were so high as almost to preclude the giving of such service.

c) The child welfare division with its more restricted caseloads was able to give such service when the community called upon it to do so.

5. Day care centers were full and had waiting lists indicating that makeshift arrangements had to be made for many children whose parents had to leave them during the day.

6. Private agencies maintained good standards and were generally adequately staffed but achieved these results by a rigid limitation of intake, leaving the public department to struggle with the residual load.

a) Even among the families and children served by the private agencies, financial difficulties were frequently present.

b) Our services for families and children were segmented among many small agencies. This meant that agencies (including the juvenile court) had to "shop around" and wait until they could refer cases which could not be cared for within their own structure; it meant confusion in public understanding of the services available; it meant somewhat higher costs and less flexibility in the services provided.

c) Children's institutions under voluntary auspices carrying responsibility for the largest group of children with behavior problems provided almost no casework service for them.

d) There was impressive evidence of success with some of the most difficult cases where the staff was competent, had the necessary time, was persistent and willing to try.

e) Really adequate casework is expensive. Per capita monthly costs in successful treatment agencies ranged from $175 to $260.

7. The majority of children in foster home care (on October 31, 1949) required such care because their parents had been divorced or one or both had deserted.

8. Lack of knowledge about social casework services and perhaps resistance to them was noted.

a) Segments of the population from which referrals should have come, such as lawyers, doctors, labor union officials, teachers, and ministers, made almost none, so that many persons who might have benefited never knew the services were available.

b) Difficulties in using the services because of the complexity of their organization, inadequate referrals, the stigma attached to some of them, all contributed to preventing full use. (I hasten to add that all agencies were busy but not necessarily in the most productive way.)

c) Agency workers were woefully lacking in knowledge of community resources and of the community's basic social institutions.

This sketchy review of a few of our findings points to some conclusions concerning a modern foundation for the casework services of a community. To the best of my knowledge our community by comparison with many others is fortunate in its services for families and children.

Basis for Casework Services

In examining the basis on which to build or rebuild the most effective casework services in a community we must start with the premise that although all good casework is preventive, success in the largest number of cases depends on making services available to persons in their formative years and when the problem is in its incipient stage. Therefore it seems to me that we should start building these services where they will be readily accessible to those basic social institutions which serve us all. By so organizing we insure help in finding

cases early, and at the same time we strengthen these social institutions by helping them understand human personality, understanding which in turn may modify these institutions so that they do not themselves contribute to the maladjustment of the persons they serve.

The basic social institutions to which I refer are, of course, known to all. They include the family, the school, and the church. Because they are basic to our purpose here, I would add the courts, day care centers, public health departments (particularly public health nursing services), the police, and finally the public and private social agencies.

Since the family (be it natural or foster) is the unit which must ultimately utilize casework services if they are to have the greatest chance of success, it is obvious that they must be made readily available and acceptable to families. It must also be understood that parents are the products of their life experiences and do not reach out for that which they do not know about or understand. Hence, although informed parents may recognize the need for and seek help from the existing casework agencies, the vast majority of parents are not informed and must be reached through other channels.

I have been haunted by the knowledge that reasonably well-informed parents have recognized their need for help, sometimes for themselves, more often for the problems they see in their children, and they have not known how or where to get such help on a sustained basis or at a cost they can afford. Frequently they cannot accept the conditions of eligibility for service in the social agency, particularly if it is a public welfare agency. We may call their attitudes prejudice or false pride but to insist that all must conform to the same conditions frequently defeats the objective of the agency. Too often these parents are dependent upon literature or lectures which serve to increase their anxieties and to create problems where none really exist. Parents do not want advice in the abstract when they are concerned with

Willie's behavior. They want specific help on his particular problems.

It seems to me, therefore, that we must develop within the schools basic casework services, particularly at the elementary level. (The churches have a responsibility also in this but I am not prepared to discuss the organization through which it should be discharged.) Such services could be extended to the home when circumstances so indicate, in which case the way might be paved for referral to other community agencies when the need became known to the school social worker. It is generally conceded that casework services are more readily acceptable through the schools than through other channels.

As a second step in building the casework service of a community, a real understanding of casework functions is called for, information as to where these are available, and alertness in utilizing them especially for the individuals coming to the attention of the police and the public health nurses. These key departments can assist in case finding because they come into contact with so many individuals in the early stages of their troubles, who if they could get aid at this time might well avoid more serious problems later on. Day care centers likewise are in a position, particularly if they have casework services of their own, as they should have, to discover needs early and to see that help is made available.

The third "must" of an adequate casework program for the community is a strong public welfare department which operates not just as a mechanical process by which the right to financial assistance is determined, but as a casework agency. Its casework service must be of first quality and available quite apart from any need for financial assistance. Private agencies will always reserve their right to restrict intake, which means that the public agency must meet whatever the residual demand for casework services may be. Furthermore, the public agency has the responsibility of offering what has

come to be called a protective casework service, given whether or not parents want or request it.

Although I do not like to single out for comment certain functions of public welfare departments for fear that someone may assume that others are perhaps less important, I cannot refrain from calling attention to the large number of children whose wellbeing is tied up with foster home and aid to dependent children programs. What wonderful potentials these programs offer caseworkers to demonstrate the possibilities for developing good citizens! The current outcry regarding alleged abuses in the aid to dependent children's program is, I think, a natural outgrowth of the failure of public welfare departments to provide good casework services here, generally because they lack the necessary staff but to some extent on the false assumption that they have no responsibility for how the family lives.

A fourth essential is adequate casework staffs in the juvenile or family court. (Let's hope the community is advanced and has organized a family court to deal with all family problems including those of children.) Courts dealing with families and children occupy a key position. The court is generally the agency of last resort for the great majority of children whom the family, the schools, the churches and perhaps the police and social agencies have failed to help. But unless the court has caseworkers, adequate both in quality and quantity, with access to needed special services in the community, it too is likely to fail these children.

Finally we need in our communities those specialist agencies such as child guidance clinics, resident treatment centers, and child welfare agencies specializing in providing group care, foster home care, adoption services, help for unmarried mothers, and family welfare. It would be my hope that the child guidance clinic would provide a service beyond that of working with individual children; that the staff would devote its major time to working with the agencies, such as the school, the police,

the public welfare department and the court, to imbue them with attitudes and understanding to meet more adequately the needs of those they serve; and that it would be available to give the caseworker support in particularly difficult cases.

Many of these specialist services in the community will of course continue under voluntary auspices. The reasons why we continue to need them cannot be detailed here, but I want to mention a few. In my opinion the voluntary agency should serve the same purpose in our field as do the good private universities in the field of education. They may provide islands of stability during political storms, they may champion the unpopular cause until it has greater public acceptance, they may provide services which the public is not yet ready to assign to the public department, they may agitate for better standards and better legislation, and they may promote citizen interest when it would be unwise for those in the public field to undertake it.

Auxiliary Services

In discussing casework services in a community we consider certain auxiliary services that must be available to the caseworker. Among these I would emphasize:

1. A good community homemaker service. The number of families whose lives are disrupted for short or long periods of time with disastrous results, all for want of a homemaker service, dramatically points up this need.

2. A good community psychiatric clinic for adults. Whatever your casework philosophy or your idea as to the role of the caseworker in treatment, you will agree, I feel sure, that many situations are completely frustrating because the problem in the home has become too acute for the caseworker to handle, at least without the reassurance that the psychiatrist can give. Unless this help is available to those of limited incomes, as well as others, the caseworker may well be defeated in his attempt to work with such cases.

3. Adequate medical services with good medical social casework are, of course, essential to any community and such services are particularly necessary for preventive work with children.

Difficulties of Planning

At present an enormous handicap to the proper planning of a community's casework services—or any other social services for that matter—is our lack of adequate knowledge. We have no reliable measures of the extent of the need for services, the extent to which the facilities we do have are being put to unproductive use, the extent to which certain groups in the community tend to monopolize these services, and almost no measure of the effectiveness or ineffectiveness of the services provided.

All we can do under the circumstances is to plan on the basis of present limited knowledge much as I have outlined for one community and in the meantime try to persuade communities to provide more adequate budgets for research on and analysis of the problems we are organizing to deal with and to develop more reliable methods for testing results. No casework plan is satisfactory if we must continue to accept the value of casework on faith.

I am as concerned with getting casework services understood, accepted and utilized as with how they are organized within the community. However ideally we may develop our casework structure or perfect our methods, we have need to reach out into the community much more effectively than we have yet done if we are to get these skilled services to the people who need them and at a time when they will be most effective. There can be nothing static about a community's organization. It must be subject to constant review and modified in accordance with changing circumstances.

Racial and Religious Democracy: Its Effect on Correctional Work

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TELEVISED hearings of the Congressional Crime Committee made the public, too often complacent about such matters, sharply aware of the sordid motivations and grasping unscrupulous avarice which motivate so many people in our society. Similar motives must be met and defeated to stem the conflicts flowing from the discriminatory practices which are completely contrary to the basic documents of freedom on which our country's democracy is based. The action of the Congress of Correction in determining not hereafter to meet in cities practicing racial discrimination, and the stated policy of the NPPA, indicate thoughtful awareness of the serious implications of such practices to our society.

Frequently we are told that we must strengthen our democracy if we are to win the fight against those ideologies competing against ours for supremacy. Even here at home are many who meet in their daily lives evidence of undemocratic principles. We must build for all in our country if we are to be united in this period of world crisis. To paraphrase John Milton and John Stuart Mill, "Custom is the standing hindrance of truth" and the "breeder of error." Nowhere is this more apparent than in evaluation of people on the basis of race, creed, color or national origin, rather than on their individual merits. We have learned that an individual who strives for acceptance in two groups with different values and attitudes is likely to suffer from a deep mental conflict. Culture conflicts are apparent, for instance, between the values and attitudes of im-

migrant parents and those to which their children are exposed in their wider environments. Many people state their belief in democracy but function on a level which is a constant negation of that belief.

Some resolution of these conflicts comes from compliance with such laws as the New York anti-discrimination requirement for selection of employed personnel. We are constantly being told by employers that it gives them a "good feeling" to be able to select people because they can do a job and not because they fit into some pattern. It must, however, be borne in mind that until there was an awakening of conscience in many of these employers, they thoughtlessly or deliberately followed confirmed discriminatory patterns.

Research scholars have found that racial antagonism is a factor in delinquency; that frequently it actually has sent a delinquent into his first battle with society. Studies of delinquency and juvenile gang warfare in crowded areas of our nation's cities reveal that the children so involved have been exposed to interracial and interreligious conflicts. In a study of the Washington Heights area of New York City by the Mayor's Committee on Unity and the sociology department of City College, it was reported that 23 per cent of the children had been participants in fights with members of other racial or religious groups. Those of you who have sadly watched juvenile delinquents develop into hardened criminals will recognize that stopping even a fractional part of this constant recruitment to the criminal group would be useful in meeting the problem at its inception.

New York laws, more rigid in some provisions than other juvenile court laws, require that when practicable, a child shall be placed with a probation officer of his own religious faith. Such a provision makes case-work treatment subsidiary to religious supervision, and introduces religion in selection of staff workers. There are many who believe that the spirit of the New York

law against discrimination in employment should be considered in relation to these provisions.

Correctional work, to be of maximum therapeutic effectiveness, must be centered in democratic principles. This is particularly essential in the selection of personnel for probation and parole systems, and in correctional institutions. Democratic non-discriminatory selection broadens the base from which qualified staff can be chosen.

All of us have heard directors of correctional systems lament the dearth of competent workers. Frequently this shortage would not exist if staff selection were made on the fair analysis of qualifications as to work experience, personality and education, rather than on the traditional pattern in which the determining factor is the skin color of the employee, the place where he worships God, or where he or his parents were born.

Anti-discrimination laws governing employment in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Oregon, Washington, New Mexico, and ordinances in effect in many cities, assume that an employer has the right to select his own personnel and to set standards as high as he wishes. The limitation is that the standard must be the same for all applicants who apply, and must bear some reasonable relationship to the work to be done. Such professional appraisal of qualifications, done on a non-discriminatory level, results in bringing into the field many people now kept from it.

Early in the administration of our law the commission requested a ruling from the attorney general as to whether the law against discrimination covered public employment. The law states in Section 127.5 that the term "employer" "does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such club, association or corporation is not organized for private profit, nor does it include any employer with fewer than six per-

sons in his employ." The attorney general ruled that the law does cover public employment. State departments have been cooperative in making this coverage meaningful. New York does not ask of private employers more than it is willing to do itself—non-discriminatory evaluations are expected of both public and private employers. In other states also the law has been ruled to cover public and private employment.

Many educational and non-profit organizations, though excused from compliance, nevertheless, as an affirmation of their belief in this important principle, have voluntarily made changes in their hiring policy to conform with both the letter and the spirit of the law.

Since the establishment of the commission in July 1945 many workers whose performances have proved satisfactory to their employers, their co-workers and the customers and communities they serve are now employed in places and at levels heretofore closed to them. Fears of unfavorable reactions of co-workers have proved unfounded. If the employees are selected *because* they are qualified and not merely because an attempt is being made to integrate those previously discriminated against, the new workers gain acceptance. Objective studies show that even in the sensitive areas of serving the public, the customer, interested only in being helpfully served, accepts the change.

Typical of the progress made is the fact that only a few years ago it was considered a courageous act to be part of the group working through the National Association for Colored Graduate Nurses to integrate Negro nurses into hospitals. Not even all of the public hospitals accepted nurses of that race when the association was established. It has now officially disbanded and its function has been absorbed in the inter-group relations program of the American Nurses Association. Hospitals, both public and private, recognize that the selection of staff on a non-discriminatory basis can result in good hospital administration.

In private and public correctional agencies much concern has been expressed about the problem of non-segregated case loads. Contrasting views have been stated. Skill in casework must be carefully blended with evaluation and understanding of the subtle personality factors in the relationship between caseworkers and clients. Within this balance, however, many agencies today find it possible to assign qualified workers to a non-segregated case load. Supervisory posts are also being expertly filled by professional workers selected without reference to their skin color, place of origin or place where they worship God.

If our probationers and parolees come from a setting in which they have seen democracy function, they will more easily make adjustment to social living. It is therefore vital that every person responsible for probation, parole or correctional work contribute his utmost to its maximum democratic functioning. The gain would be not only to the client, the caseworker and the institution, but to the very fibre of our society. The National Association for the Advancement of Colored People states that it frequently has had reports of undemocratic treatment from inmates of penal institutions in many parts of the country, in that their race has affected the relationship between them and the custodians.

To quote from Ben Hecht's *A Guide for the Bedevilled,* "Prejudice is our method of transferring our own sicknesses to others. It is our ruse for disliking others rather than ourselves. We find absolution in our prejudices. We find also in them an enemy made to order rather than inimical forces out of our control. . . . Prejudice is a raft onto which the shipwrecked mind clambers and paddles to safety."

Individual and community welfare is affected by prejudice and discrimination. Workers in probation and parole must aim to keep the machinery of human and social welfare running smoothly so that life may reach

its maximum of fullness. Prejudice and discrimination are the grit and the gravel that can jam the works. No child is born with the loves and hates of any group. These feelings are developed in us as we grow up, by our experiences at home, at school, and in the neighborhood, by the books we read, the pictures we see, the conversations we hear. This accounts for the way in which, as children, we built stereotypes about other racial or religious groups. We hear that the Negro is happy-go-lucky, lazy and undependable. Or that the Italian is quick to get angry, liable to pull a knife if he is provoked. Many people still picture the Jew as an unattractive old man with a beard eating peculiar food and talking loudly with gestures. We could carry this through a variety of groups—the Irish, the English, the French, the Chinese. I am sure these names make the stereotypes flash for a moment into your mind.

Stereotypes are the stock pictures of other groups that people carry around in their heads. A child will form an attitude toward a racial or religious group before he ever meets an individual member of the group. By that time the picture in his head is so rigidly outlined that he integrates his experiences with the individual into the stereotype. Or if he can't do this, he feels that the individual is different or an exception. By themselves, of course, false generalizations are not a pressing social problem, but they set danger signals in the highly inflammable area of religious and racial tension, sparks that in time of crisis may burst into flames of dangerous proportions. This is especially true among the persons with whom those in the correctional field work; theirs is a fertile breeding ground for movements fathered by prejudice and hate. As few are aware, prejudice hurts not only its victims, but also the prejudiced themselves. It makes them warped, narrow personalities, and prevents them from finding any sound solution to their own problems. These blind spots make it more difficult for the correctional worker to guide such people.

To eliminate explosive outbursts there is much that professionals have been doing and must continue to do. Some remedies can be discovered in the local situation and rest with local clients and groups. There are steps that government can take on a statewide basis to relieve and eliminate such pressures. Under the New York State law the commission has been assigned the study of discrimination in all fields of human endeavor, but in the field of employment opportunities, the law has compliance powers.

The commission has processed over 2569 cases involving complaints and employment reviews. A thorough investigation was made in each case. It is significant of the attitude of both employers and the commission that in almost six years, only two cases were unadjustable at the stage of conciliation and conference. The law provides that any person, employer, labor organization or employment agency subject to its jurisdiction, which wilfully violates a lawful order of the commission, shall be guilty of a misdemeanor for which the penalty is a year's imprisonment, a $500 fine, or both.

The commission has broad powers to initiate surveys and programs tending to eliminate discrimination and promote goodwill. It has already created local advisory agencies and conciliation councils, and industry-wide committees to study problems of discrimination in all aspects of life.

The law thus gave the force of state sanction to the belief that discrimination and prejudice are a matter of state concern. This interpretation exists in similar laws against discrimination in various states throughout the country and appears in numerous city ordinances.

Opening up employment opportunities to qualified workers is good, but it is not enough. Our long-range results will come from the educational program which involves a many-sided effort with the aid of community leaders. Governor Dewey in his message to the legislature on the bill said: "We all know that the

problems in this field may not be solved by legislative enactments alone. All our people must be imbued with the urgency and the will and the understanding to bring cooperation and equality into the relations among our fellow human beings."

New York employers now recognize that prejudiced employers pay for their bigotry in still another way. They reason, as you do, that prejuiced people are less efficient. The men and women who dream up new ideas, who work out better production methods and devise schemes for doing things more quickly and easily, usually are people whose minds are not blocked, people who can size up a situation without preconceived notions to blind them. Individuals who are ready to accept the status quo in race relations, who think in stereotypes about this and that race, this and that religion, or this and that nationality, are less likely to do original thinking. In business they often are men afraid to try anything different, whether it means manufacturing their products by methods never used before, or hiring people their firm never before considered.

From the consumer angle the costs of discrimination are easier to see. In the United States there are about 13,000,000 Negroes, about 23,000,000 Catholics, about 5,000,000 Jews, about 12,000,000 foreign born, and almost 4,000,000 Filipinos, Mexicans, Chinese, and Japanese, both native and foreign born. That makes a total of about 57,000,000 Americans, each of whom is a consumer of food and clothing, radios and washing machines—when they have enough money to buy them.

If large numbers of our population have trouble getting decent jobs and earning enough money, they also have trouble buying what the country produces. If we decide arbitrarily that some people cannot work in our stores, our offices and our factories, we are also saying they cannot have the money to buy goods. That means, of course, that a large part of our population must stay very poor. But doesn't that also make us considerably

poorer than we would be if these 57,000,000 people had more money to spend? These figures simply back up the point that prejudice is expensive for the individual, whether he is a worker or an employer, a little storekeeper or a big manufacturer. They take dollars out of his potential income and cut down his living standards.

When prejudice boils over and tension blows the lid off in any city, the drop in productivity lasts for weeks after everything supposedly returns to normal. Fear and tension hang like a pall over the entire city long after the special police squads are dismissed. Of far greater importance than the cost in time, in money or in lost production, are the hidden costs—the rising bitterness, the insecurity, the knowledge that there has been a breakdown of democracy in our own country.

Are these the only hidden costs? No, of course not. Those whose job it is to work with people come across many others. They meet the frustrated children whose hopes and dreams and entire world outlook must be conditioned by the color of their skins, the frustrated adults who have seen their lives shattered and their plans destroyed by the bigotry of their neighbors. They see the crowded police dockets and the youngsters lined up in children's courts, the broken homes, and the nervous breakdowns, knowing all too well how much misery and suffering could be avoided if we respected each other's basic rights as human beings at all times. Add to that the wasted talents which society needs so badly. Think of the children who could have become great doctors, artists, scientists, and social leaders if the faith of their fathers and the slant of their eyes had not been judged more important than their own capacities. Then calculate if you can the human costs, and the costs to the community, the state and the nation. There is no doubt that discrimination makes for sickness. It makes for a sick economy, and it makes for a sick society. It is a disease whose treatment is of vital importance to all of us.

Fortunately every individual can contribute his bit toward the cure. The over-all job is big—very big. It is a job of education on all levels of community life and for all ages. It calls for the best efforts of our teachers and our clergy, our government, our union leaders and our businessmen. It calls for determined cooperation on the part of parents, and long-range planning on the part of all who are really interested in promoting greater democracy. But the big job consists of many little jobs. Each step along the way helps create the social climate that makes the next step easier.

It has been said that you cannot legislate attitudes. Yet one part of our country has legislated racial attitudes into a pattern which degrades one part of the population. The reverse is possible.

A local law was recently introduced in New York City amending its administrative code in relation to discrimination by charitable institutions. The new ordinance broadened the one adopted in 1942 so that now no money can be paid out in appropriations to any charitable, eleemosynary or reformatory institution which shall deny or limit admission to destitute, neglected or delinquent children duly committed by the commissioner of welfare or a court of appropriate jurisdiction, because of the race, color, religion, ancestry or national origin of such children; provided, however, that no institution of a particular religious faith shall be required to accept children of a different religious faith.

Non-discriminatory employment affects correctional work in New York not only with regard to staff but also in the opportunity to interpret to clients in casework relationships their right to apply for the jobs for which they are qualified, secure that in this state there is a law giving them the right to be considered as individuals. Certainly to a parole officer trying to work out proper employment for a parolee, to a probation officer concerned to find suitable work for his probationer, this is a matter of concern.

Not only does it give the client greater strength to offer himself for jobs, and wider areas in which to seek opportunity, but it also shows him that the state in which he lives has enacted fundamental American concepts into law and is trying to give these words maximum reality. Every such evidence that democracy is making an attempt to correct its faults is important in that new step toward the acceptance of responsibility as a citizen into which the correctional officer is trying to direct his client.

One local institution which has worked on the problem successfully is the Leake and Watts Children's Home, founded in 1831. It originally occupied the site where the Cathedral of St. John the Divine now stands. In 1891 it moved to its present location in Yonkers, New York. The staff and students are interracial and interfaith, though the home includes within itself the orphan home and asylum of the Protestant Episcopal Church which merged with the Leake-Watts Home in 1947.

The staff recognized that an interracial program in a children's institution in any community is a controversial thing. Yet since 1942 the city ordinance demands that any institution which accepts city funds must have its intake on a non-discriminatory basis. Some of the cases which demonstrate the results of this institution's method of non-discriminatory functioning are of interest. Take, for example, Donald, a boy of superior intelligence who came to the home through the Children's Court as a neglected child at the age of twelve. His mother had brought him into court as a delinquent because he had run away from home. It developed that he had run away after his mother had locked him into her furnished room while she went out with various gentlemen friends.

Donald had been born at the State Training School for Girls where his mother was confined. She was fourteen at the time of his birth. Through the pressure of

social agencies the mother married the father after the child was born. They lived together for a few months following the mother's discharge from the training school but their marital relation was stormy and they separated quickly. Donald never had a home with his parents.

Shortly after his birth, while his mother was still in the training school, he was placed in a foster home in the up-state community from which his mother came. He remained there for several years. His father kidnaped him from the foster home when he was about seven, and then this little boy spent a very unhappy period of about a year with his father. After that year he was returned to the foster home. Meanwhile his mother had come to New York to seek employment. When the public welfare department tried to extract payment for Donald's care from her, she insisted on his being discharged to her.

At the age of nine he was sent, without any preparation, to live in a very congested section of Harlem with his mother. This was his first experience in an all-Negro community. In the up-state town there had been a few Negro families but there had been no segregation at all. His foster family had lived in a predominantly white community where he had always had complete acceptance from his white playmates. Donald was terrified by Harlem and panicky at living in such confined quarters with the mother he scarcely knew. He became withdrawn and depressed and when he ran away from his mother he had a vague idea of trying to get back to his foster parents.

This boy is not completely out of the woods yet. However, over a period of eight years at the non-segregated children's home, he has made good progress, including his present ability to accept himself as a Negro, to have some pride in his racial status. Those who work with him now feel that while he will still meet many problems, he has through his institutional experience, through continued acceptance of him in his difficulties, realized

that the world is not a completely hostile place and that he is not doomed to a life of menial work. He has finally some confidence in himself, some respect for himself as a person. He knows that there are both white and Negro adults who like him for himself. He now can trust his adult friends and some of his peers and can enter into meaningful relationships with them.

Constantly today leadership is reiterating the idea that professional workers must be able to see, and to get others to see, in each fact, in each statistic, human beings like ourselves. The continued emphasis is on the dignity and the importance of the individual, whether he be rich or poor, black or white, Jew or Gentile. New attitudes in the evaluation of people are being developed.

The Ford Foundation trustees, in their report for 1950, state that our two great and related needs are "an establishment of lasting peace and the achievement of democratic strength, stability and vitality." Such stability and vitality can result only when we give tolerance and respect to every individual, without concern for sociological, racial and religious differences. This freedom can be promoted by a rule of law that guarantees to all men its benefits and opportunities. Our whole civilization is suffering the deep wounds inflicted by unspeakable violations of the integrity of the human being. In a period of world tension, every element of strength makes our democracy better able to hold the place it must have in the world. Emphasis has been placed by some on the defects in our society, on our Achilles heel of undemocratic discrimination. Each of us can play a role in converting this defect into the reality of equality in our own situation.

Relation of Federal to State Delinquency Programs

MILDRED ARNOLD

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AS we talk about children and youth who are or may become delinquent we must see them in the proper settings in which they live—at home, at school, and in the neighborhood. Plans must be made and resources must be available to tackle the problem of juvenile delinquency at its source—in the local communities. At the same time we must recognize that under our form of government the state has the legal power to intervene in behalf of children who are neglected, abused, abandoned, or who have become problems to themselves, their families, and the community through their behavior. The state also has the legal power to provide such safeguards as may be necessary to protect all children. But while the states and local communities may have carried the main burden in protecting and safeguarding children in the earlier days of our country, this, in my opinion, is no longer possible. To the partnership of state and local community must be added a third, that of the federal government.

If we recognize that in our country responsibility for the administration of services to children needing care and protection rests with state and local governments, the role of the federal government becomes clear. That role is primarily one of encouraging and reinforcing state and local communities and sharing the financial burden. The developmental history of the work of the Children's Bureau shows quite clearly the emerging trends in federal responsibility. In 1912, when the

Children's Bureau was created by an Act of Congress, the responsibility of the federal government was set forth broadly as one "to investigate and report upon all matters pertaining to the welfare of children and child life among all classes of our people." The Act further stated that the Children's Bureau shall especially investigate the questions of "infant mortality, the birth rate, orphanages, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment and legislation affecting children in the several States and Territories."

In the early days its work was confined mainly to making studies on various aspects of child life in this country. But when the findings of these studies became known the Bureau found itself forced by request of communities into two new types of responsibility, developing broad national standards, and giving consultation in putting these standards into effect.

In the meantime our whole industrial and social structure was changing. New and complex social problems were arising. New demands for services were being made by citizens upon their governments. Many signs were beginning to appear that state and local governments could not carry the full burden of establishing and maintaining needed services. The Sheppard-Towner Act, passed in 1921, provided for federal grants-in-aid to the states for "the promotion of the welfare and hygiene of maternity and infancy." Now the way for the federal government to share in the growing financial burdens of such services was established. Then came the long and terrible depression — a depression that proved to us, once and for all, that only by sharing responsibility—federal, state and local—could we meet the increasing need of services growing out of our complex social structure.

The Social Security Act, passed in 1935, put the federal government squarely in the business of sharing the financial burden with the states for providing social se-

curity and social services for the people of this country. This Act established an extensive and rather elaborate system of federal grants-in-aid. It was our government's way of meeting the unique situation in this country wherein legal powers for safeguarding and protecting children are vested in the states, but the states are no longer able to carry the full load. Congress was not willing to grant funds to the states unless along with these funds should go some specific standards and requirements. All authorities, I believe, now agree that federal grants-in-aid are here to stay.

The passage of the Social Security Act gave the Children's Bureau an added responsibility of sharing with state agencies the costs of maternal and child health services, services to crippled children, and child-welfare services which are more closely related to the field of juvenile delinquency than other programs.

Title V, part 3 of the Social Security Act authorized a sum of $1,500,000 to be allotted to state public welfare agencies to establish, extend, and strengthen child-welfare services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent. While the Act does not specifically state "delinquent children" an examination of the report of the committee shows that Congress was concerned for the delinquent child. However, there are some provisions in this section which have the effect of curtailing such use of these funds. The funds are to be used in areas that are "predominantly rural." We all know that the greatest problems in juvenile delinquency are found in urban rather than rural sections. The Act carries an additional provision that funds may be used for developing state services for the encouragement and assistance of adequate methods of community child-welfare organizations in areas predominantly rural or other areas of special need. Interpretation of this part of the Act has never been too clear, but it does offer opportunity for the development of additional services in

other than rural areas. An area of special need has been defined as one in which some unusual need for services to children exists and in which state leadership and assistance are called for. Child-welfare services funds are allotted by the Children's Bureau to only one state agency, the welfare department. This limitation also affects the availability of funds in the field of juvenile delinquency.

These federal funds have been small. They have been used mainly for the salaries of child-welfare workers in rural areas, for state child-welfare consultants, and for the training of staff at schools of social work. In fact, because of the smallness of the amount, the Children's Bureau early established a regulation against use of the funds for the care of children in foster-family homes or in institutions.

In spite of these limitations many of the state welfare departments over the past sixteen years have established close working relationships with agencies concerned with juvenile delinquency and have made some resources, chiefly staff services, available in this field. Information submitted in state plans shows that in many rural counties child-welfare workers of the local welfare departments are supervising children placed on probation; making social studies of children prior to court action; placing and supervising children in foster family homes; giving consultation in especially difficult cases at court request; and making temporary facilities, including detention care, available to the courts. The court and the public welfare agencies are attempting to clarify their mutual responsibilities so that children may be served more effectively.

Many welfare departments are giving assistance to state training schools for delinquent youth either by assigning social work personnel to the schools or by making social studies of children admitted to training schools, planning for children to be released, and supervising them in the community after release.

Increase in Federal Grants

In 1946 the Congress increased grants to states for child-welfare services from $1,510,000 to $3,500,000. With this substantial increase, the Children's Bureau could relax somewhat its regulation with regard to the use of these funds for the foster care of children. Consequently, the regulation was amended to allow the states to use federal funds for temporary care of children in boarding homes or for projects for care in such homes for special groups of children to meet particular needs.

The greatest impetus and the largest expansion to the child-welfare programs came last year when the Eighty-first Congress increased the authorization for grants from $3,500,000 to $10,000,000 and made other significant changes. Prior to these amendments, the money had been allotted on the basis of a flat grant to each state of $20,000; the remainder had been allotted on the proportion of the rural population of the state to the rural population of the United States. Here again we see the influence of the *rural* factor in these services. The 1950 amendments changed the basis for these allotments. Each state now gets a flat grant of $40,000, and the remainder is allotted on the proportion of the rural *child* population of the state to the rural *child* population of the United States. This means that those states that are rich in children but poor in money will get a larger grant.

Two entirely new provisions were added. One relates to the return of runaway children to their own communities. Federal child-welfare services funds may now be used "for paying the cost of returning any runaway child who has not attained the age of sixteen to his own community in another state in cases in which such return is in the interest of the child and the cost thereof cannot otherwise be met."

The second addition provides that "in developing such services for children the facilities and experience of voluntary agencies shall be utilized in accordance with child-care programs and arrangements in the states and local communities as may be authorized by the State."

Since approximately three months of the present fiscal year had already elapsed by the time the bill was passed. Congress appropriated $7,075,000 for grants for the fiscal year ending June 30, 1951 instead of the full authorization of $10,000,000. When this substantial increase became available, the Children's Bureau was anxious to issue new policies providing for broader uses of the funds, but wanted to have state and local welfare agencies, as well as national agencies, share in the formulation of these policies. To accomplish this, four regional meetings with representatives of state departments of public welfare and consultants from their public agencies and from voluntary agencies, were held in different parts of the country last fall, climaxed by a meeting in Washington in January 1951 of representatives of national agencies that are concerned with services to children.

Thus state welfare administrators, state child-welfare directors, juvenile court judges, superintendents of state training schools for delinquent youth, representatives of youth commissions, and representatives of voluntary agencies attended the regional conferences to discuss the unmet needs of children for social services and make recommendations to the Children's Bureau on new uses of these funds. Representatives of national agencies at their meeting in January also discussed these problems and made additional recommendations.

A Policy Manual, growing out of all this consideration and discussion, has now been issued by the Children's Bureau. The Bureau believes that the policies in this manual represent the concensus of these meetings as well as the opinion of the Children's Bureau.

Help in the Field of Delinquency

Discussion at the regional conferences brought out the importance of a balanced child-welfare program with a wide variety of social services and facilities. In developing such programs the conferees urged that the Bureau give particular atttention to services for strengthening family life and helping children in their own homes. They emphasized more adequate coverage of social services for children and youth, so that these services may become available in geographic areas now without them, and a greater variety of services may be made available in needy areas. Obviously, as the conferees pointed out, the development of personnel with the necessary skills and knowledge must have a high priority if these objectives are to be achieved.

Throughout the manual, emphasis is on keeping children in their own homes. Strengthening the basic state and local child-welfare programs is of major concern. Since we all know that the roots of juvenile delinquency are many and varied, everything that can be done to make broad social services by qualified staff available in the local communities is, in my opinion, taking the offensive against juvenile delinquency. The manual also stresses the expansion of educational leave for the training of staff and wider coverage of services. When we realize that only 23 per cent of the 3187 counties in the country now have a full-time public child welfare worker, we realize how far we have to go.

Like other workers, they must have adequate tools with which to work. But we have fallen far short in providing these tools. The new policies make it possible to expand in this direction. Federal funds may now be used, under certain conditions, for foster-family care, for group care, for day care in foster-family homes and in day-care centers, for homemaker services, for special care of unmarried mothers and their babies, and for certain specialized services for individual children

such as psychiatric, psychologial, remedial and specialized medical treatment. Because of the need for continuous study and evaluation of these services, under certain conditions, state welfare agencies may now use these funds for research in child welfare.

In addition to help in the area of juvenile delinquency by this positive approach to broad basic child-welfare programs, there are four more specific ways in which funds may be used to assist those agencies dealing directly with the problem, such as juvenile courts and state training schools for delinquent youth.

First, the Policy Manual provides that professional personnel and necessary secretarial service of the state public welfare agency may be assigned to another public agency which is part of a comprehensive child-welfare program, such as a children's or a youth court, a children's institution, or a training school for delinquent youth, for the purpose of developing or furnishing services, care and protection for children and youth, especially through supervisory consultation or demonstration services. But in the assignment of such personnel the limitations of the Act regarding rural areas and areas of special need must be adhered to. Second, the funds may be used for payment of transportation and maintenance costs and registration fees of staff members of another public agency for attendance at institutes, conferences, workshops, and other training programs related to child welfare within and out of the state. Third, funds may be used for payment of part or all the cost of professional education for social services to children, of executives, case workers or group workers in a public agency other than a public welfare agency, including a children's or a youth's court, a children's institution, or a training school for delinquent youth. Fourth, funds may be used for payment of part or all the cost of a staff development project in child welfare such as an institute, a workshop or a conference held by a public welfare agency for the development of staff of the public

welfare agency and such other public and voluntary agencies as wish to participate. Costs may include fees, transportation and maintenance of leaders and instructors, and materials.

Thus an attempt is made, even though funds are still limited and there are certain restrictions in the Act, to improve the quality of services to children given by public agencies other than public welfare departments through staff development programs and through assignment of staff for supervisory, consultative and demonstration services.

Returning Runaways

The provision of federal funds for the return of runaway children was added to the child welfare services section of the Social Security Act because of the real interest in this problem shown by the National Council of Juvenile Court Judges. This council had introduced legislation for the return of runaway children at two previous sessions of Congress. Two important aspects of this particular provision should be kept in mind. In the first place the limitations of the Act relating to areas predominantly rural and other areas of special need do not apply. Therefore children may be returned regardless of whether they have come from an urban or a rural area and regardless of whether they are found in an urban or a rural area. Second, this provision of the Act is not mandatory on state welfare agencies. A state welfare department may choose or not to budget federal funds for this purpose.

The law places some definite restrictions on this use of federal funds. The child must not have attained the age of sixteen. He must have run away from one state and gone into another. The return of the child must be in his own interest, and it must be determined that the cost of his return cannot be met in any other way. Congress does not intend to have federal funds dry up other resources for this expense.

Since the Act does not define a runaway child it was necessary for the Children's Bureau to do so. The following is the definition now in use: "A runaway child is a child under the age of sixteen who without the consent of his parents, guardian, or other person acting in *loco parentis* to him, or agency which has been given responsibility for care and custody shall leave his home or other place of abode in one state and go into another state." Federal funds may, under certain conditions, be used for payment of transportation and maintenance costs, including miscellaneous expenses incurred in the course of travel, and when necessary, of the costs of an attendant.

The wording of the Act does not preclude either the child's home state or the state in which he is found from assuming financial responsibility for his return. However, the child's home state is encouraged to assume this responsibility on the principle that each state has a responsibility for the welfare of its own children. In most cases the major responsibility for making the social investigation will rest upon the child's home community. The public welfare agency in the child's home state, therefore, will be in a better position than the corresponding agency in the state in which the child is found, to review the plans for the child, to determine whether required conditions have been met, and to approve the expenditure of funds for transportation. Certain practical factors also indicate the advisability of this procedure. It is more equitable in that the states in which the greater number of runaway children are found would not have to budget a disproportionate amount for this purpose to the detriment of other aspects of their child welfare program.

Children's Bureau Responsibility

And so we see evolving the expanding and somewhat complicated system of federal grants-in-aid for child-welfare services to help meet the growing personal and

social needs of children and youth. The Children's Bureau is now functioning under two acts—the basic one creating the Bureau in 1912, and the Social Security Act of 1935. Under these two Acts its responsibilities are mainly five-fold: collection and dissemination of facts and information, research in child life, standard setting, consultation, and the granting of funds.

The Bureau regularly collects certain statistics, such as juvenile court statistics, statistics regarding children receiving services of public welfare agencies, and figures for personnel in public welfare agencies serving children. This year it inaugurated expenditure reporting of child-welfare services by public welfare agencies. The kinds and amount of such information that can be collected are seriously limited. The statistical services of the Bureau need to be expanded, as does the program of research which has been seriously curtailed.

Standard setting and consultation is done by the staff of the Division of Social Services. In these areas also there are serious limitations. On the Washington staff there are two consultants giving full time to the area of juvenile delinquency; one spends a major part of his time with juvenile courts and the other with training schools for delinquent youth. Eleven child-welfare representatives, located in regional offices, give service to state public welfare agencies, other public agencies, and voluntary agencies in the development of child-welfare programs. It is these regional representatives who plan jointly with the state welfare departments on the use of these funds and approve the state plans which are submitted.

From the point of view of what was done for children, the Eighty-first Congress, in my opinion, was epoch making. It passed the most far-reaching social security measures since the passage of the Social Security Act in 1935. Many of us who attended hearings were encouraged to see the real interest in and concern for the welfare of children which motivated our Congress. The

amendments to the Social Security Act are a monument to the genuineness of this interest and concern, for many of the provisions related directly to children. These provisions present a real challenge to all of us in the field of social work. We have within our grasp an opportunity for meeting many of the needs of children for social services and for filling gaps in these services that we know exist. I believe we can accomplish this by working together.

VI LEGAL DIGEST

Legislation and Court Decisions Affecting Juvenile Courts, Probation and Parole, 1951

SOL RUBIN

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DEVELOPMENTS in the organization of parole are found in revisions enacted in 1951 in Alabama, Colorado, New York, and Utah. Progress in interstate cooperation included adoption of the interstate compact for probation and parole supervision by two states, the roster of adopting states now being complete; enactment in three states of the out-of-state incarceration amendment to the compact; and development of joint state use of correctional facilities in New England.

Reciprocal nonsupport legislation was enacted in many states in 1951. In the last three years almost all the states have adopted legislation of this kind.

With passage of its probation act this year, Nevada left the small group of states that do not have general probation laws. The states which are still without such laws are Mississippi, New Mexico, Oklahoma, and South Dakota.

Juvenile court laws were revised in Florida, Georgia, and Wyoming.

Several types of statutes of interest are not included here. Among them are special legislation for sex offenders enacted in Florida (Ch. 26843), Utah (Ch. 22), Wisconsin (Ch. 542, revising 1947 act), and Wyoming (Ch. 25). A number of states suddenly and simultaneously increased penalties for narcotics violators.

As in the previous Yearbooks, this digest is divided into three sections: (I) Juvenile and Domestic Relations

Courts and Youthful Offenders, (II) Probation and Sentencing, (III) Parole and Correction. Within each section new laws are listed first, followed by digests of recent decisions of interest.

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I JUVENILE AND DOMESTIC RELATIONS COURTS AND YOUTHFUL OFFENDERS

Legislation

DELAWARE *Commission on Children and Youth* A Commission on Children and Youth was created, to study the state's facilities and services for children and youth and to make recommendations to the governor, the legislature, and governmental and voluntary agencies. The commission consists of twenty members, unpaid, appointed by the governor. (Ch. 275)

FLORIDA *Juvenile Court Law Revised* An unusually wordy juvenile court law revises the general law and the several special juvenile court acts. The organization of courts remains the same, the seven special courts being continued, and the county courts continuing to serve as juvenile courts elsewhere in the state. Jurisdiction is over delinquent, dependent, and neglected children under seventeen years of age, in contrast to the superseded laws which generally gave the juvenile courts jurisdiction over children under eighteen. Jurisdiction is exclusive (whereas it was concurrent under the former law), except in the following instances: children fourteen or over charged with felonies may be transferred for regular criminal proceeding, and children sixteen or over charged with capital offenses must be so transferred; children charged with any offense who request a regular criminal proceeding must also be so transferred. Several special courts in existence continue their wider jurisdiction. Judges of separate courts are elected

for four-year terms. A probation counselor may be appointed by the judge; assistants may be appointed by the counselor with the approval of the judge. (Ch. 39)

GEORGIA *Juvenile Court Law Revised* The state juvenile court act passed in 1950 without appropriation (see 1950 Yearbook, page 248) has been repealed and a new law, modernizing the court procedure but retaining the local court system, has been enacted. In counties of 50,000 or over, separate juvenile courts are established; in counties of under 50,000 where there were juvenile courts in existence under the former law, the courts are continued; and in any county of under 50,000 a juvenile court may be established on recommendation of two successive grand juries. Judges are appointed for a six-year term and their compensation is fixed by the judge or a majority of the judges of the superior court of the county, except in counties where the salary is fixed by the legislature. Where no separate juvenile court is established, the superior court judge serves as juvenile court judge. The courts have exclusive jurisdiction over children under seventeen who are delinquent, neglected, or dependent, and concurrent jurisdiction over children whose custody is the subject of controversy. Children sixteen years of age or older may be transferred for criminal proceeding. The judges may, under local civil service, appoint and fix the salaries of probation officers, who are removable only for cause. The judge may appoint an advisory board for the court. In large part the procedural provisions follow the 1949 Standard Juvenile Court Act. (Ch. 215)

NEW YORK *Girls' Term Reorganized* The act establishing the Girls' Term of the New York City magistrates' courts was revised as to jurisdiction and procedure. The court has jurisdiction in New York City over girls between sixteen and twenty-one whose behavior or condition generally corresponds to the provisions

of the state wayward minor act, but the new act for New York City is broader in scope than the state act. This additional jurisdiction in effect extends some of the jurisdictional provisions of the state Children's Court Act to eighteen for girls in New York City. In contrast to the former law, the procedure is declared to be civil in character, but basic characteristics of criminal procedure are retained. As before, the chief city magistrate designates one or more magistrates as judges of the court. (Ch. 716)

OHIO *Use by Judge of Probation Report* See Section II.

OKLAHOMA *Oklahoma County Juvenile Court Established* An independent juvenile court is established in Oklahoma county (Oklahoma City). An act made applicable to both Oklahoma and Tulsa counties takes the place of the Tulsa county law, retaining its basic provisions: exclusive jurisdiction to eighteen, subject to transfer on criminal charges; concurrent adult jurisdiction; appointment of the judge by the governor from a list of candidates submitted by a committee selected by the president of the county bar association. (Ch. 11)

VERMONT *Preliminary Investigations in Juvenile Court* The state's attorney is charged with making a preliminary investigation of juvenile court petitions with authority to call upon the commissioner of social welfare for a social investigation. In his report to the court the state's attorney may recommend, in suitable cases, that no action be taken on the petition. (Ch. 202)

WASHINGTON *Division of Children and Youth Services* A Division of Children and Youth Services was established in the Department of Public Institutions, headed by a supervisor appointed by the director of public institutions. The division is responsible for institutional care of delinquent, defective, and physically han-

dicapped children. All personnel of the division except the supervisor are to be appointed under civil service. Also created by the act is a state council for children and youth consisting of twenty-one members appointed by the governor. The council's functions are to advise the director and supervisor regarding their programs, to assist in the study and development of child and youth services throughout the state, and to advise the director in appointment of the supervisor. (Ch. 234)

WYOMING *Juvenile Court Act* A juvenile court act, separate and so designated, as compared with the scattered provisions in the present law, continues the district court judges in each county as judges of the juvenile courts, and continues to limit the court to concurrent jurisdiction so that juveniles of any age may still be prosecuted criminally at the discretion of the criminal court. Jurisdiction is over dependent, neglected, and delinquent children under eighteen. Detention of children is regulated and jail detention limited. Social investigations by the county public welfare agent or other trained social workers available may be called for. Final decisions under the act may be deferred for six months; on good behavior the case is closed, or the petition is proceeded with in the event of a subsequent delinquency. Jury trial may be had upon request of the child. (Ch. 125)

Decisions

CONNECTICUT *Evidence in Juvenile Court* The superior court has jurisdiction of appeals from the juvenile court. By rule it provides that investigations made for it or for the juvenile court are admissible in the superior court on appeal, subject to cross-examination of the investigator. Objection was raised to admission of the investigation in either court. The Supreme Court of Errors distinguished between two types of evidence in the juvenile court. On the issue of whether a child committed a specific offense of a criminal nature on which a

finding of delinquency is based, the rules of evidence apply, and hearsay is excluded; in determining whether the welfare of the child would best be served by committing him to an institution or by leaving him with those who have his custody, the social investigation is admissible. —Appeal of Dattilo, 136 Conn. 488, 72 A. 2d 50.

MAINE *Offenses Excepted from Juvenile Court Jurisdiction* The juvenile court act excepts from jurisdiction crimes for which the punishment may be commitment "for any term of years." The state contended this meant all crimes punishable by a term of two years or more. In the Maine statutes for rape, robbery, perjury, and other life imprisonment offenses, the court may sentence for "any term of years." The court chose an interpretation that reduced to a minimum exceptions to the juvenile court law. It said: "In view of the manifest plan of the legislature to broaden the authority of the juvenile court, it is plainly apparent that *a* term of years is not *any* term of years. To give to 'any term' the meaning of 'a term,' does not enlarge the jurisdiction of the juvenile court to an appreciable extent, if it does to any degree. The felonies where the juvenile court would have jurisdiction, under such an interpretation, would be only those whose punishment may be for one year and for less than two years, and such felonies, if any, are very few. . . . It would limit, in effect, the jurisdiction of the juvenile court to misdemeanors only, as was provided in the statute before the last amendment of 1947. There would be no real, sufficient, or sensible reason for the 1947 amendment, 'any term of years,' if there was not an intention to extend the jurisdiction of the municipal courts. Manslaughter is not a crime punishable by any term of years, as that phrase is used in our statutes. It is punishable for a term of years. The juvenile court has jurisdiction."—Wade v. Warden of State Prison, 73 A. 2d 128.

NEW YORK *Youthful Offender Procedure Upheld* Under the New York youthful offender procedure, a probation investigation of a sixteen- to nineteen-year-old defendant charged with a felony is made with his consent and that of the district attorney. This is followed by a hearing to determine whether the defendant shall be adjudged a "youthful offender." A youthful offender may be placed on probation or committed for up to three years; adjudication is not deemed a conviction of crime. Defendants had consented to the procedure, the investigation was made, and the defendants pleaded not guilty as youthful offenders. Meanwhile the judge had stated to the mothers of the youths that he planned to commit the youths. On the ground that the judge had predetermined the outcome on the basis of the preliminary investigation and psychiatric reports, motion was made to remove the action to another court. The procedure was upheld. Said the court: "The charge that the County Judge impliedly became biased against the defendants when he read the reports of the probation officers and the psychiatric examination is without reality. The law charges him with the duty of doing that very thing in determining whether the defendants were eligible to be treated as youthful offenders. By accepting the procedure, the defendants consented to the investigations outlined in Title VII-B and knew that, in order to be eligible to be treated as youthful offenders, the County Judge had to determine their eligibility from those reports. The reading and studying of the reports are necessary requisites to enable the judge to determine whether the defendants are eligible to be treated as youthful offenders. To hold otherwise would make it necessary to transfer all youthful offender proceedings in which a plea of not guilty has been entered to another court for trial and would defeat the very purposes of this Act."—People v. Giaccio et al., 198 Misc. 1092, 96 N. Y. S. 2d 912, affirmed, no opinion, 103 N. Y. S. 2d 134.

II PROBATION AND SENTENCING

Legislation

Interstate Compact for Probation and Parole Supervision Enactment of the interstate compact by North Carolina and Texas completes the roster of states which have adopted the uniform act. (North Carolina, Ch. 1137; Texas, Ch. 440)

Out-of-State Incarceration of Probationers and Parolees Late in 1950 the Association of Administrators of the Interstate Compact for the Supervision of Parolees and Probationers adopted a model Out-of-State Incarceration Amendment to the Interstate Compact. The amendment would permit the sending state to incarcerate a probation or parole violator under interstate supervision in the state supervising him or in any other state in which he might be found. Any hearing on revocation would be held in the receiving state according to the requirements of the law of the sending state. The amendment is designed to eliminate the travel expense involved in retaking violators who are under supervision in states distant from the state of conviction. Three states adopted the amendment—Connecticut (Ch. 367), Idaho (Ch. 101), and Utah (Ch. 108).

CONNECTICUT, MASSACHUSETTS *Capital Punishment* Punishment for murder in the first degree, formerly death in all cases, may be reduced by jury recommendation to life imprisonment (except in Massachusetts, in cases connected with the commission of rape or attempted rape), but without eligibility for parole. (Connecticut, Ch. 369; Massachusetts, Ch. 203)

IDAHO *Discharge from Probation* Discharge from probation, previously authorized upon expiration of the minimum term, may now be granted by the court at any time. Such dismissal has the effect, as before, of restoring the defendant to his civil rights. The court

may now provide not only for termination of the sentence, but also for setting aside the plea of guilty or the conviction. (Ch. 99)

NEVADA *Probation Act* Pursuant to a recently adopted constitutional amendment authorizing probation legislation (see 1950 Yearbook, page 252), a probation act was passed. Probation may be granted by the district courts except in cases of murder in the first or second degree, kidnaping, robbery of the person, carnal knowledge of a female child under ten, or rape. Some provisions, including the limitation of the period of probation to five years, follow the model probation and parole act. In addition the act provides that on successful completion of probation the plea or verdict of guilty may be set aside and penalties and disabilities resulting from conviction removed. Probation service is provided by the state parole officers, now termed parole and probation officers, and the state board of pardon and parole commissioners. (Ch. 320)

OHIO *Use by Judge of Probation Report* A comprehensive provision requires that reports of any investigation in a civil or criminal case must be made available to all parties and their attorneys before submission to the judge. (S.B. 306)

OKLAHOMA *Exceptions to Use of Probation* The exception in the probation law that probation may not be used in arson cases is limited by permitting probation where the defendant is a minor. (Ch. 16)

Decisions

UNITED STATES *Scope of Restitution Order* The United States probation act authorizes an order of "restitution or reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had." The defendant was convicted on *six* counts of fraudulent misrepresentation to the Veterans

Administration as to prices paid to her for various properties purchased by veterans. The defendant was placed on probation; as a condition of probation she was required to make restitution to *eighteen* veterans. The Court of Appeals held that the restitution order could be applied only as to the six veterans concerned in the counts upon which the defendant was convicted. It said: "Our interpretation of Section 3651 is that Congress intended to restrict the scope of the restitution which could be ordered to the limitation contained in the specific provision above quoted." As to the measure of damage suffered, the court held it to be the difference between the Veterans Administration appraisal value and the actual purchase price, rather than the difference between the sum paid by the veteran and the reported or false purchase price.—Karrell v. United States, 181 F. 2d 981.

CALIFORNIA, GEORGIA, MISSISSIPPI *Notice and Hearing on Revocation of Probation or Suspended Sentence* A probationer is entitled to notice and a hearing on an alleged violation of conditions of probation. Said the Georgia Supreme Court: "To deprive a defendant of his liberty upon the theory that he has violated any of the rules and regulations prescribed in the sentence, without giving him a notice and an opportunity to be heard upon the question of whether or not he has violated such rules and regulations, would be to violate one of the fundamentals of our system of jurisprudence that a person shall not be deprived of his liberty without due process of law, which includes notice and an opportunity to be heard."—Lester v. Foster, sheriff, 207 Ga. 596, 63 S. E. 2d 402. To similar effect with regard to revocation of conditional suspended sentence, Mason v. Cochran, sheriff, 46 So. 2d 106 Miss.

A contrary ruling was handed down in California. On the same question the court said: "The granting of probation has always been regarded in California as a matter of grace and forbearance and revocation of pro-

bation as an informal matter in which procedural steps of a trial need not be observed."—Ex parte Dearo, 96 Cal. App. 141, 214 p. 2d 585. See notes, *Yale Law Journal*, December 1950, p. 1521; *California Law Review*, December 1950, p. 118.

NEW YORK *What Constitutes "Second Offender" for Sentencing Purposes* Defendant was sentenced as a second felony offender in New York, the first conviction being on a plea of guilty to an indictment in New Jersey charging theft of more than $200. The New Jersey statute defines theft of $20 or more as a felony ("high misdemeanor"); in New York theft to be felonious must exceed $100. The Court of Appeals ruled, three judges dissenting, that sentence as a second offender was improper on the ground that definition of felonious theft must be based on a statute with a minimum the same as that in New York. As for the fact that the defendant had in fact stolen over $100 in New Jersey, the court said, "An indictment not infrequently contains immaterial and nonessential recitals. Once having admitted a theft of at least $20, Olah had no interest in attempting to show that what he stole was valued at less than $200—for nothing would or could turn on such an evaluation."—People v. Olah, 300 N. Y. 1949.

III PAROLE AND CORRECTION

Legislation

Interstate Compact for Probation and Parole Supervision See Section II.

UNITED STATES *Discharge on Conditional Release* The conditional release law, providing that a prisoner released at the end of his term less commutation for good conduct is subject to supervision during the commutation period as though on parole, was amended to provide that the period of supervised release ceases six

months before expiration of the maximum term. (Public Law 62)

ALABAMA *Pardon and Parole Law Revised* An unexpired term of a parole board member shall be filled by the governor, with the advice and consent of the senate, from a list of three persons nominated by a board consisting of the chief justice of the Supreme Court, the presiding judge of the Court of Appeals, and the lieutenant governor. Open hearings must be held before the granting of any parole, pardon, remission of fine or forfeiture, or restoration of civil and political rights. Among other amendments, eligibility for parole is fixed at one-third of the term or ten years, whichever is less, except by unanimous action of the board; previously there was no general time limitation. (Ch. 599)

COLORADO *Parole Law Revised* A Department of Parole was created, consisting of a three-man ex officio Board of Parole, and a Division of Administration with an executive director, four district assistant directors, and parole officers. Personnel of the division are appointed by the board under civil service. Formerly paroles were granted by the governor; wardens and, more recently, sheriffs served as ex officio parole officers. The law continues the unusual provision placing hearing on violations of parole in the district courts. The judge may admit the parolee to bail pending such hearing and the action of the board. (Ch. 147)

MAINE *Interstate Institutional and Parole Authority* An interstate compact affecting Maine, New Hampshire and Vermont, and possibly other New England states, for the joint construction and operation of correctional and other institutions, was enacted in Maine. The act contemplates establishment of a Tri-State Facilities Authority of nine members, three of whom (one from each state) would serve as a parole board. (Ch. 387) Vermont authorized a study of the interstate institu-

tional problem. (Ch. 337) See below, Vermont, *Study of Interstate Institutions.*

NEW HAMPSHIRE *Reparole Authorized* A parolee whose parole has been revoked is eligible for reparole. (Ch. 136)

NEW YORK *Administrative Supervision of Parole System* In a recodification of the Executive Law, the Board of Parole, rather than the executive director of the board, is charged with direction of the Division of Parole. Salaries of board members, previously $12,000, are no longer stated in the law but are fixed by the governor. The separation of parole officers into two groups for investigation and supervision has been dropped. (Ch. 800)

NORTH CAROLINA *Revocation and Continuance of Parole* The governor is authorized to revoke parole at any time. In the event that a new crime has been committed, parole can be continued at the discretion of the governor. (Ch. 947)

OKLAHOMA *Corporal Punishment Prohibited* To administer corporal punishment to any inmate of a mental, penal, or corrective institution of the state is made punishable as a misdemeanor. (Ch. 20a)

PENNSYLVANIA *Credit for Time Served Prior to Violation and Return to Custody* For violation of a condition of parole other than by commission of a new crime, credit is granted for time served while in good standing; credit for time served in delinquent status prior to actual retaking is not granted. The statute is intended to overcome a recent decision (see 1950 Yearbook, p. 258). (Ch. 337)

UTAH *Board of Corrections, Board of Pardons* The Department of Adult Probation and Parole and the Board of Pardons were placed under the control of the

Board of Corrections, which formerly governed only the state prison. The Board of Corrections was enlarged to a membership of seven, appointed by the governor; formerly it consisted of the governor and three members appointed by him. It appoints the chief adult probation and parole agent and members of the Board of Pardons. (Ch. 111) The Board of Pardons, formerly an ex officio board, was reconstituted; it now consists of three part-time members, serving for six-year staggered terms. (Ch. 74)

VERMONT. . *Study of Interstate Institutions* The superintendent of the State Hospital, the attorney general, and the commissioner of institutions and corrections are constituted a committee to study interstate institutional matters with interested states. (Ch. 337) (See above, Maine *Interstate Institutional Authority*.)

Decisions

CALIFORNIA *Burden of Proof of Alleged Violation of Parole* The burden of proving a violation of parole rests upon the parole authorities.—In re O'Malley, 101 Cal. App. 2d 80, 224 P. 2d 488.

FLORIDA *Credit for Time Served on Parole Prior to Revocation* Whether time served by a parolee while on parole prior to revocation shall be credited against the term of the sentence is to be governed by the parole statute. The Florida statute is held to deny such credits.—Mayo v. Lukers, 53 So. 2d 916.

NEW JERSEY *Parole Board Failure to Consider Prisoner's Eligibility for Parole* Failure by the parole board to consider parole at the time of prisoner's eligibility for it does not authorize the court to grant the release. (In these cases failure of consideration was due to multiple sentences against the prisoners.)—Ex parte Macejka, 10 N.J. Super. 393, 76 A. 2d 843; ex parte Fitzpatrick, 9 N. J. Super. 511 75 A. 2d 636.

VII THE NATIONAL PROBATION AND PAROLE ASSOCIATION

Review of the Year 1950-1951

WILL C. TURNBLADH
Executive Director

DURING the year (April 1, 1950 to March 31, 1951) the Association extended service to more than 150 local communities in forty states, in addition to many services affecting entire states. This report gives some of the highlights of the Association's efforts to assist communities and states in initiating and improving probation and parole services, which have demonstrated their essentiality in the treatment, control, and prevention of crime and delinquency.

The midwestern office in Chicago worked in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. The southern office in Austin served Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The western office in San Francisco gave service in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The national office New York City did work in Connecticut, Delaware, Massachusetts, New Hampshire, New York, Pennsylvania, Vermont, and Virginia.

Field Service

ALABAMA Mr. Ward conferred with the judge and staff of the juvenile court in Mobile on intake, detention, and annual reports, and discussed the possibility of expanding the court's jurisdiction to include divorce cases. In Birmingham he conferred with the probation and

detention home personnel and, at the invitation of the judge of the juvenile court, reviewed the program of the detention home. He also studied the practicability of statewide juvenile court legislation for Alabama. In Montgomery he conferred with officials of the State Department of Public Welfare regarding problems of detention. Mr. Ward interviewed officials of the State Board of Pardons and Paroles regarding the shocking developments in the Alabama parole system during the last months of 1950. Mr. Wise submitted recommendations to the Alabama Legislative Reference Bureau regarding proposed legislation to remedy some of the defects in the statutes governing the Board of Pardons and Paroles. Later he appeared before the legislative committee investigating parole administration. The new administration corrected the abuses in the parole system.

ARIZONA Numerous consultation visits and two important surveys were made. At the request of the juvenile court judge in Phoenix, Mr. Schapps made a survey of the Maricopa county probation department and detention facility. Mr. Schapps and Mr. Rector conducted a survey of the Arizona State Industrial School at Fort Grant at the request of the governor, the Superior Court Judges Association, and the school's board of directors. Later, Mr. Schapps worked with state and local officials in the follow-up of the recommendations. Mr. Schapps served as instructor at the Arizona Annual Institute, which was attended by law enforcement and probation and parole officers from areas throughout the state, addressed the Arizona Probation and Parole Conference, and spoke over a statewide radio network on the needs of the State Industrial School. In Prescott, Flagstaff, Tucson, Phoenix, and Kingman, Mr. Schapps conferred with the judges and probation officers regarding local problems and needed legislation.

ARKANSAS Mr. Ward made recommendations regarding detention needs at Fort Smith. In Little Rock and Hot Springs he conferred with the bar associations, the Council on Children and Youth, and several women's groups regarding needed revision of the juvenile court law. As a result of these efforts a committee of the Junior Bar Association agreed to draft a revision, using our Standard Juvenile Court Act as a guide. With city officials in Texarkana Mr. Ward discussed the unification of juvenile court services for the twin city.

CALIFORNIA Here space limits us to only a few highlights of the numerous activities of Mr. Schapps and Mr. Rector. Close cooperation was maintained with the State Youth Authority and the Department of Corrections, as well as with numerous local departments. Mr. Rector continued to serve the California Probation and Parole Association as legislative representative, participating in the conference sessions and committee meetings, advising on proposed legislation, and presenting proposals to committees of the legislature.

Both Mr. Schapps and Mr. Rector assisted state and county civil service commissions in preparing and conducting examinations. They helped to develop standard forms for juvenile courts; edited the proceedings of the Western Probation and Parole Association Conference; advised on detention plans in several counties; reviewed the group work and administrative needs of the San Francisco Youth Guidance Center; studied the program of the Guardsmen, a San Francisco service organization; and served as consultants to numerous persons and organizations regarding work in our field. Mr. Schapps lectured on probation at the University of California in Berkeley, and Mr. Rector participated in an eleven-state broadcast on crime and corrections. No formal surveys were made during the year in California, but this practice of continued consultation and active participation proved to be equally, perhaps more, effective.

COLORADO In Colorado Springs Mr. Rector addressed two college groups and the Colorado Springs Community Council. In Denver he discussed needed legislation with the juvenile court judge and staff, and discussed methods and standards with the chief of the adult probation department. He also aided the State Civil Service Commission in developing personnel specifications and examinations for the newly created position of parole administrator and other staff positions in the state parole system.

CONNECTICUT Mr. Turnbladh spoke at a forum at Yale University. Mr. Chute attended the testimonial dinner for Chief Justice William M. Maltbie of the Connecticut Supreme Court of Errors, on the occasion of his retirement from the bench. Efforts to strengthen the adult probation program were continued.

DELAWARE Mr. Turnbladh made visits to Wilmington on family court and municipal court matters and conferred with the governor in Dover.

FLORIDA Mr. Ward aided in the preparation of the state juvenile court bill at meetings of the drafting committee in Tallahassee and Jacksonville. He was consulted by the Children's Code Commission and the state university on the bill, which was enacted. (See Legal Digest.)

GEORGIA Mr. Ward made several visits to Atlanta, conferring with legislators, heads of departments, and leaders of statewide groups to work out substitute legislation for the new juvenile court act. The act passed earlier in the year was repealed and the substitute legislation was enacted. (See Legal Digest.) Mr. Ward also met with the Atlanta Citizens' Crime Prevention Commission on domestic relations courts.

IDAHO Mr. Schapps conferred with the juvenile court judge and the probation officer in Pocatello regarding

delinquency prevention and youth council plans. In Boise he visited the penitentiary and discussed adult and youth correctional service needs with the state correctional and public welfare officials and the judge of the district court.

ILLINOIS For the third year the Association, through Mr. Reed, cooperated with the Illinois Probation and Parole Officers' Association in sponsoring a training institute. Mr. Reed addressed the institute on the status of probation and parole in the midwest. In the field service workshop conducted by the Illinois Department of Public Welfare, Mr. Reed served as a section leader. He continued his participation on committees of the Illinois White House Conference, the Welfare Council of Metropolitan Chicago, and the Illinois Welfare Association, and was appointed a member of the Protective Care Reviewing Committee of the Chicago Community Fund. He also participated in the second national training institute in Chicago for newly appointed federal probation officers. In Peoria he observed that the recommendations he had made three years ago about remodeling the detention home had been carried out. He conferred with the judge and board of supervisors in Waukegan in planning a new detention home and extended consultation services to the juvenile courts in Bloomington and Geneva. Mr. Reed helped to bring about a study of the adult parole system of the state and worked with Frank T. Flynn, chairman of our Midwestern Advisory Council, in formulating a project to be presented to the Field Foundation for the study of "pre-disposition" care of delinquent children. (The project was later approved.)

A major project of the year in this state was a study of the probation work of the Chicago Municipal Court. Mr. Flynn was made chairman of a social services subcommittee of the citizens' advisory committee appointed by the chief justice of the court. The study of this court was begun during the year by Mr. Reed and completed during the following year.

INDIANA Through Mrs. Richard Edwards, a member of our Midwestern Advisory Council, and other citizens, Mr. Reed continued his efforts to recruit lay leadership to improve the correctional program of the state. In 1948 the NPPA and the Osborne Association made an extensive study of the state correctional system, and we are still endeavoring to get action on the recommendations submitted in that study. There is reason to believe that substantial progress will be made.

Mr. Reed addressed a regional meeting of the Indiana Probation and Parole Association. He conferred with the judge and staff of the Marion county (Indianapolis) juvenile court on legislation affecting its merit system, and with the court in Bloomington regarding the appointment of a new chief probation officer. Mr. Norman, our detention specialist, made surveys of the juvenile courts and detention facilities in Fort Wayne and South Bend and, with Mr. Reed, made later follow-up visits.

KANSAS A case accounting and control system suggested by Mr. Reed was put into operation in the Johnson county (Kansas City) juvenile court. Mr. Reed recommended changes in the juvenile and adult probation laws to the judge of the court, who is a member of the state committee charged with the formulation of revisions. He also worked with a Kansas City committee in promoting a bond issue for a new detention home, which was passed by a 5 to 1 vote.

KENTUCKY Mr. Reed continued his consultation visits to Louisville, cooperating with the Citizens' Advisory Committee, and with the juvenile court personnel newly appointed by competitive examinations in accordance with our recommendations. The results of this type of periodic consultation service in lieu of a single formal survey have been quite satisfactory. Mr. Reed also addressed the annual training institute of the Kentucky State Bureau of Probation and Parole.

LOUISIANA Mr. Ward visited Baton Rouge to establish a working relationship with the State Department of Public Welfare for the development of probation and to appraise the work of the Board of Parole. He visited juvenile court officials and civic leaders in New Orleans and found that since our survey of four years ago satisfactory progress had been made under able leadership and with the continued interest of a strong advisory committee.

MICHIGAN Mr. Reed visited Battle Creek, Ionia, Lansing, and Marshall to assist the United Health and Welfare Fund of Michigan in interpreting the work of the Association. He reported that, as one result of our participation in the fund, we will receive increased calls for services. At the request of the State Probate Judges Association and with the cooperation of the State Department of Public Welfare, Mr. Norman made a statewide study of detention facilities for the juvenile courts. The survey, recommending the establishment of regional homes, was completed during the following fiscal year.

MINNESOTA Mr. Wise and Mr. Turnbladh completed a statewide study of probation and parole. The sponsors of this study included the district, probate, and juvenile court judges' associations; the State Department of Public Welfare; the Youth Conservation Commission; the Probation and Parole Association; the Board of Parole; the senior and junior chapters of the Chamber of Commerce; the League of Women Voters; and the Farm Bureau. Follow-up conferences were held with the sponsors concerning the recommendations.

In Minneapolis Mr. Reed addressed an area meeting of the Child Welfare Division of the American Legion, which was attended by about 250 delegates from twelve midwestern states.

MISSISSIPPI Mr. Ward made several visits, aiding

in the improvement of services to the youth courts and cooperating in a project for the establishment of adult probation, in which interest has been taken by the American Association of University Women, the Mississippi Economic Council, and the University of Mississippi. In Jackson he took part in a working conference called by the Mississippi Economic Council in preparing a program of research and public relations to interpret and promote adult probation. Mr. Ward also conferred with local probation, parole, welfare, and youth court officials in Jackson and several other counties.

MISSOURI In Kansas City Mr. Reed conferred with juvenile and circuit court officials and members of the Jackson County Bar Association regarding a project to create an independent juvenile court in Kansas City, where the juvenile court is now a part of the circuit court. In St. Louis a survey of the probation work of the Circuit Court for Criminal Causes was conducted by Mr. Reed and Mr. Rubin, our legal consultant, under the sponsorship of the St. Louis Bar Association, the Crime Commission, and the Social Planning Council. The newspapers gave enthusiastic support to the recommendations of the report, both editorially and through news articles. As a result of the report, the circuit judges revised the rules of the court to permit the initiation of modern probation procedures, and funds were appropriated for establishing a probation staff in line with the recommendations made in the report.

MONTANA In Great Falls Mr. Schapps conferred with state and local officials on developments in the community council program which he had helped to initiate during the previous year. In Butte he discussed the juvenile court law and local services with the judge and other officials. Mr. Schapps also conferred with the state director of public welfare and the chairman of the Youth Council regarding organization of community resources and proposals for legislation. In Billings, he

addressed the Regional Child Welfare Conference of the American Legion, which was attended by representatives of seven states, and conferred with the local probation officials.

NEBRASKA In Lincoln Mr. Reed conferred with our sponsor and members of the sociology department of the state university regarding their interest in improving the local juvenile court.

NEVADA Mr. Rector worked with the governor, members of the state legislature, representatives of the state bar association, and state welfare officials relative to juvenile court and probation projects. In Las Vegas he met with the judge and probation committee members and assisted in the examination of applicants for appointment as probation officer.

NEW HAMPSHIRE Mr. Turnbladh joined Austin MacCormick of the Osborne Association in the organization and planning of the newly created State Board of Control. At a regional conference of the American Legion held in Manchester, Mr. Wise gave an address on child welfare.

NEW MEXICO Mr. Schapps visited Albuquerque and Hobbs to confer with the judges, probation officers, and others regarding juvenile court work and proposed legislation, and reviewed the program of the Boys' Ranch near Albuquerque.

NEW YORK Closer liaison between the Association and the state agencies of parole and probation was established. Mr. Turnbladh addressed a public meeting in Binghamton and conferred with officials in Utica.

NORTH CAROLINA Mr. Ward conferred with court officials and citizens' groups in Burlington and Salisbury, analyzing the possibilities of family courts. In Durham he gave consultation service to the new juvenile court judge regarding program and personnel.

OHIO At the request of the juvenile court judge, Mr. Reed visited Hamilton to advise on detention facilities. He recommended that a formal survey be made and suggested preliminary steps. (The survey was made by Mr. Norman and was completed during the following year.)

OKLAHOMA In Tulsa Mr. Ward assisted the personnel of the new unified juvenile court in their problems of administration. (There were two courts until our Standard Act was adopted here last year.) He also evaluated the detention needs.

OREGON Mr. Schapps inspected the new detention facility in Portland, which we helped plan, and conferred with the director of probation. In Salem he served as special consultant to the governor's White House Conference on Children and Youth. He also visited several institutions for youthful offenders and assisted the officials of the Western Probation and Parole Association and the Oregon Juvenile Council in planning for the next conference.

PENNSYLVANIA Mr. Wise conferred frequently with representatives of the Main Line Federation of Churches, Inc., of Montgomery county, and began a survey of the county probation work at the request of the Federation.

SOUTH CAROLINA Mr. Ward advised with the Business and Professional Women's Club of Camden in planning to secure the appointment of a probation officer. In Spartanburg he conferred with the juvenile court staff on a program for the new detention home. In Columbia he addressed a regional meeting of the American Legion on child welfare, which was attended by representatives of most of the southern states.

TENNESSEE Mr. Ward conferred with staff members and the new judge of the juvenile court in Memphis and with the officials of the Community Welfare Council, establishing a basis for future services by NPPA. In

Kingsport he made a brief study of the three juvenile courts and submitted a plan for unifying them.

TEXAS Mr. Ward aided in planning the annual institute at Camp Waldemar, which was begun five years ago by the NPPA, and participated in the institute meetings. This year the membership increased to 215 persons, who came from five states.

In Austin Mr. Ward helped prepare legislation for adult probation and parole and conferred with members of the legislature. He also conferred with officials of the State Youth Development Council on their services to juvenile courts and on the establishment of diagnostic centers for children committed to the council. He reviewed personnel standards with the nominating committee and helped to recruit applicants with special qualifications.

In Houston, Mr. Ward conferred with the probation department and evaluated the progress made under the new chief probation officer and newly created intake division. Visiting San Antonio at the request of the Community Welfare Council to aid in following up the survey made in 1948 by Mr. Chute, he prepared a recommended budget and a description of duties of all probation personnel. On a later visit he presented recommendations on these matters to the council and the county juvenile board.

Mr. Schapps visited the new detention home in El Paso and conferred with the juvenile court judge and others on the development of youth services in that area.

UTAH In Ogden Mr. Schapps met with county and juvenile court officials, architects, and community leaders to help plan for a juvenile detention home, and inspected the proposed building there. In Salt Lake City he conferred with the state child welfare director and the public welfare director on the institutional care of delinquent children in Utah.

VERMONT Mr. Hiller was recalled from retirement for a survey of the juvenile court system of the state. The request for the survey came from the Vermont Welfare Conference and was the result of an address to the conference given by Judge Smyth. In connection with the study, Mr. Hiller addressed two public meetings, led an all-day session of the State League of Women Voters, and presented the report at the annual meeting of the Welfare Conference in Montpelier. At the request of the legislative committee of the conference, Mr. Rubin drafted a bill to embody the report's recommendations, including augmented probation and child welfare services, improved procedure in children's cases, and a state juvenile court system. The bill failed of passage, though supported by many organizations.

VIRGINIA Mr. Turnbladh visited Richmond at the request of the legislative commission created to study sex offenders. Later he conferred with the governor, the state director of the Department of Welfare and Institutions, members of the legislature, and representatives of women's groups. These conferences resulted in a request for a statewide survey of juvenile probation and detention to be conducted by the Association with advisory service from the United States Children's Bureau. (The survey was completed during 1951.)

WASHINGTON Mr. Rector gave extensive aid to a subcommittee of the State Legislative Council in its statewide survey of juvenile delinquency and prevention programs. He developed schedules for the field work, enlisted the cooperation of the Congress of Parents and Teachers, and later completed the drafting of the report. He continued consultation services with the Washington Council for Children and Youth and the Seattle juvenile court.

WISCONSIN Mr. Reed continued consultation services as a follow-up to our 1948 survey of the State Bu-

reau of Probation and Parole. Steady progress continues in the program of this bureau. Mr. Reed also appeared before the State Legislative Council and joined in urging the adoption of a "conditional release" law to supplement the provisions of the adult parole law. Mr. Wise served on the oral examining board for the selection of an assistant director of the State Division of Corrections and a supervisor of probation and parole.

WYOMING In Sheridan Mr. Schapps addressed the Wyoming Conference of Social Work and discussed juvenile court and probation services at a meeting of the state public welfare staff. In Cheyenne Mr. Rector discussed juvenile court legislation with the secretary of the Wyoming Youth Council and conferred with the state director of public welfare and the state director of probation and parole regarding their programs and the problem of developing detention services for children and youth. In Laramie he conferred with the dean of the University of Wyoming Law School on proposed legislation regarding sex crimes and with the Kiwanis Club regarding juvenile placement facilities needed in Laramie.

Conferences, Institutes, Speeches

INTERNATIONAL Joseph H. Hagan, trustee of the Association, conveyed our greetings and our offer of cooperation to the International Association of Chiefs of Police at its October 1950 meeting in Colorado Springs.

NATIONAL The Association's forty-third annual conference was held in Atlantic City on April 25 and 27, 1950, preceding the National Conference of Social Work. At the Congress of Correction in St. Louis, in October 1950, the Association had a full program and an opportunity to hold a staff meeting with the three regional offices represented. Judge Smyth, Mrs. Simon, Mr. Shaw, Msgr. O'Grady and several members

of the staff attended the White House Conference on Children and Youth in Washington; Mr. Turnbladh served as recorder of the work group on law and the courts. At the American Bar Association's annual conference in Washington, the session devoted to probation, which was initiated by our board committee under the chairmanship of Miles McDonald, received considerable attention.

REGIONAL AND STATE Our staff members addressed a number of regional conferences, including the Southern States Conference on Probation and Parole, the Central States Correction Conference, the Middle Atlantic States Conference of Correction, the New England Conference on Probation, Parole, and Crime Prevention, and the conference of the Western Probation and Parole Association. Staff members also addressed state conferences in Arizona, California, Indiana, Vermont, and Wyoming. Our regional representatives assisted actively in planning the programs and making the arrangements for several of these regional and state conferences. Representatives of the Association addressed regional conferences of the American Legion at the request of that organization's National Child Welfare Division, with which we maintain a close working relationship. Mr. Schapps addressed the regional conference in the west, Mr. Ward in the south, Mr. Reed in the midwest, and Mr. Wise in New England.

Staff members participated in institutes in various parts of the country and helped to organize several of them. For the fifth year we co-sponsored a one-week institute at Camp Waldemar, Texas, which drew an attendance of 215 from five states. For the third year we cooperated in sponsoring a training institute for probation and parole officers in Illinois. Among other institutes in which we assisted were those for the Michigan Probation and Parole Association, the California Probation and Parole Association, the Illinois Department of Public Welfare, and the Kentucky State Divi-

sion of Probation and Parole; the Arizona Annual Institute and the Texas Institute on Youth Conservation; and institutes at Camp Lee, Virginia, for federal probation officers and at Charlottesville for Virginia probation and parole officers.

All together seventy-eight addresses were made during the year by our staff. Mr. Schapps spoke at the University of California and Mr. Wise spoke at New York University and the University of Alabama. Mr. Rector participated in a broadcast on crime and corrections over an eleven-state network. Mr. Schapps spoke on a statewide network in Arizona.

Legislative Service

Advice on existing or proposed legislation was given to departments, legislative committees, and other interested groups in Alabama, Arizona, Florida, Mississippi, Nevada, Oregon, South Carolina, Tennessee, Vermont, Wyoming, and Hawaii. Information on laws and decisions was provided by means of articles in the *Yearbook* and *Focus* as well as by correspondence. Material was provided for inclusion in the *Companion Manual to the Handbook of Interstate Crime Control,* published by the Council of State Governments. Mr. Rubin served on two New York committees concerned with juvenile court work and contributed to a White House Conference symposium on the impact of the law on personality.

Assistance was provided in connection with civil service examinations for probation and parole personnel in Denver, Colorado; Louisville, Kentucky; and Minnesota.

Detention of Children

Mr. Norman completed surveys of juvenile court and detention needs in Fort Wayne and South Bend, Indiana. In Philadelphia his examination of plans for the new Youth Study Center was followed by a 130-page report outlining proper procedures for staff, intake, and oper-

ation. A statewide survey of detention needs was made in Delaware, and field work on a statewide survey of detention in Michigan was completed during the year.

Brief consultation visits were made to Toronto, Canada, and Camden and Paterson, New Jersey; and analyses of detention home plans were made for Norfolk, Virginia; Cincinnati, Ohio; South Bend and Fort Wayne, Indiana; and Berrien county, Michigan.

Extensive correspondence was carried on regarding detention problems in Florida, Georgia, Indiana, Michigan, New Jersey, New York, North Carolina, Ohio, Texas, and Virginia, and in Canada and Israel.

Parole Division

Besides carrying on extensive correspondence, Mr. Wise visited and conferred with parole boards and departments in forty-two states. In Wisconsin he served on the oral examination board for the positions of assistant director of the Division of Corrections and supervisor of the Bureau of Probation and Parole. He spent two weeks' leave at the disciplinary barracks of the U. S. Naval Prison in Portsmouth, New Hampshire. Mr. Wise addressed the regional probation and parole conferences of the Central, New England, Southern and Middle Atlantic states, the Congress of Correction in St. Louis, and the Regional Child Welfare Conference of the American Legion in Manchester, New Hampshire. He lectured at New York University and the University of Alabama and participated in three institutes: for U.S. probation officers at Camp Lee, Virginia; for Virginia officers at the University of Virginia; and for the Michigan officers at their annual conference.

Mr. Wise continued his liaison work with the Columbia Broadcasting System, submitting cases, reviewing scripts, and providing technical advice for the program "Up for Parole," which was presented weekly from 140 stations. Reaching an audience estimated at thirty mil-

lion, it presented sound parole practices without histrionics or sordidness.

Mr. Wise prepared a statement of qualifications for parole board members, which was approved by our Advisory Council on Parole, and worked with the Classification and Casework committee and the committee on Personnel Standards and Training of the American Prison Association. With the active participation of parole administrators throughout the country he prepared the "Parole Packet," which presents parole principles and practices in serial form.

Publications and Publicity

The major publication of the year was the 1950 Yearbook, *Advances in Understanding the Offender.* The following papers from the Yearbook were reprinted in pamphlet form:

Federal Responsibility for the Youthful Offender	J. Howard McGrath
The Role of a Citizens Advisory Council in a Juvenile Court Program	Charles H. Boswell
The Sex Offender	Leo L. Orenstein
After the Training School—What?	Richard Clendenen
Parole Progress	Randolph E. Wise

Focus appeared bimonthly as usual.

Other small publications were the following:

Annual Report 1949-1950
Focus Index
Index to Magazine Articles on Delinquency and Correction
Detention leaflet ("Does *Your* Community Keep Children in Cold Storage?")
Appeals leaflets

Our film, *Boy in Court,* was made available to the Voice of America for use in other countries on a nonprofit basis.

The following reports of surveys conducted by the Association's staff were prepared during the year.

Probation and Parole Services in Minnesota	Will C. Turnbladh and Randolph E. Wise
The Detention of Children with Behavior Problems in Allen County (Fort Wayne), Indiana	Sherwood Norman
Report of a Survey of the Arizona State Industrial School, Fort Grant, Arizona	John Schapps and Milton Rector
The Philadelphia Youth Study Center; Intake, Staff, and Operation	Sherwood Norman
The Detention of Children in Delaware	Sherwood Norman
Detention of Children for the Juvenile Court, St. Joseph County (South Bend), Indiana	Sherwood Norman
Probation and Sentencing in the Circuit Court of the City of St. Louis	Hugh P. Reed and Sol Rubin
Probation Service and Detention Facilities of the Juvenile Court, Maricopa County (Phoenix), Arizona	John Schapps
The Juvenile Court System of Vermont	Francis H. Hiller

Board of Trustees

The Board of Trustees is composed of judges, lawyers, educators, business and industrial leaders, a psychiatrist, a district attorney, a clergyman, and probation, parole, and institutional administrators. The board meets quarterly and the finance and executive committees hold interim meetings.

With the enlargement of the board it was deemed advisable to create a Board of Trustees Standing Committee on Professional Practices. This committee reviews initially, for the entire board, matters relating to policies governing professional standards and work. Sanford Bates, commissioner of the New Jersey State Department of Institutions and Agencies, was named chairman.

A Board of Trustees Committee on the Narcotic Problem was created to study ways in which probation and parole departments and the Association might work more effectively to combat narcotic addiction. Dr. Frank J. O'Brien, associate superintendent of the New York City Board of Education, was appointed chairman of this committee.

The trustees newly elected during the fiscal year ending March 31, 1951 were: Joseph H. Hagan, administrator of probation and parole, Rhode Island; Christopher G. Janus, president of the General Works Corporation; Kenneth D. Johnson, dean of the New York School of Social Work; Herbert G. Kochs, president of the Diversey Corporation; and Alexander M. Lewyt, president of the Lewyt Corporation. Trustees elected after March 31, 1951 were: Francis R. Bridges, Jr., member of the Florida Parole Commission; General William J. Donovan, lawyer; Curtiss E. Frank, vice president and general counsel of the Reuben H. Donnelley Corporation; J. Vincent Keogh, justice of the Supreme Court of Kings County (Brooklyn), New York; Sigurd S. Larmon, president of Young and Rubicam, Inc.; Robert P. Patterson, lawyer; Thomas L. Parkinson, president of the Equitable Life Assurance Society of the United States; and Harold W. Story, vice president and general attorney of the Allis-Chalmers Manufacturing Company.

The trustees accepted with regret, on December 13, 1951, the resignation of Laurence G. Payson, treasurer of the NPPA. Mr. Payson had given fifteen years of devoted and outstanding service to the Association. Frank C. Van Cleef, chairman of the finance committee, was elected treasurer.

Robert P. Patterson, who had been elected to the board in September 1951, was killed in an airplane crash on January 22, 1952. His death was a great loss to the Association, in whose work he had evinced a keen interest.

Professional Council

The Professional Council met in Atlantic City on May 11 and in Biloxi on October 24.

Staff Changes

During the year Mrs. Elizabeth Williamson, membership secretary, and Miss Sallie H. Underwood, office manager, resigned. In a reorganization of the membership and financial department, Mrs. Harriot Keith was appointed as business manager and Mrs. Jane M. Dunne was named membership secretary.

Membership and Financial Support

During the fiscal year ending March 31, 1951, the membership dues and contributions totaled $243,458.05. This amount, which constitutes the bulk of the income of the Association, came from 32,135 supporters throughout the country and from some in foreign countries.

New and renewal contributions for the year ended March 31, 1951 are shown in the following table:

Amount Contributed	Number of Contributors Renewal	New
Under $ 2	1,474	399
2	3,935	426
2.01 to $ 4.99 inc.	3,305	394
5 to 9.99 "	10,697	1,790
10 to 24.99 "	6,585	1,098
25 to 49.99 "	1,353	293
50 to 99.99 "	203	42
100	96	24
Over 100	11	10
	27,659	4,476
Grand Total (active members and contributors March 31, 1951)		32,135

The total receipts and disbursements are shown in the treasurer's report which follows. During the year, 296 locally sponsored appeals were made. This was an increase of 9 from the number reported last year.

The Association was admitted in this fiscal year to membership in fifteen community chests and the United Health and Welfare Fund of Michigan. In the previous year the Association made eleven local appeals in Michigan. A few local appeals were discontinued because results did not justify their renewal.

This extensive support indicates a widespread interest in correctional and preventive work. We are grateful to all who have helped the Association to meet the demands for service made upon it. The continued assistance of all who read this report will be greatly appreciated.

Treasurer's Report

NATIONAL PROBATION AND PAROLE ASSOCIATION

GENERAL FUND

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS FOR THE YEAR ENDED MARCH 31, 1951

BALANCE, APRIL 1, 1950			$ 13,640.84
RECEIPTS:			
Dues and contributions		$243,458.05	
Legacies:			
Estate of Florence E. Siegel (partial payment)	$15,000.00		
Estate of Margaret C. Herrick	500.00	15,500.00	
Local contributions for field service		2,502.60	
Sale of publications		2,379.71	
Income from investments		1,476.94	
Film sales and rentals		639.19	
Miscellaneous		761.05	266,717.54
Total			$280,358.38
DISBURSEMENTS:			
Salaries:			
Field and consultation services		$ 70,407.51	
Publications, research and education services		20,556.85	
Administration and program support		44,098.77	
Extra services		5,708.31	
Travel expense		21,874.38	
Multigraphing		19,669.45	
Printing		17,725.13	
Postage and express		13,755.14	
Portion of contribution to employees' pension trust applicable to current service (less cancellation recoveries $1,078.93)		9,724.11	

Rent	8,298.51	
Office supplies	4,057.44	
Telephone and telegraph	2,150.41	
Special contributions	1,500.00	
Motion picture film	404.24	
Federal insurance contribution	337.69	
Equipment	294.91	
Publications purchased	250.12	
Miscellaneous	3,146.16	
	$243,959.13	
Transfer to Reserve Fund—net	783.35	
Total disbursements		$244,742.48

BALANCE, MARCH 31, 1951:		
On deposit:		
Operating accounts	$ 33,272.05	
Savings banks	22.12	
Petty cash	175.00	
Travel expense funds	1,300.00	
Postage, etc.	846.73	$35,615.90

RESERVE FUND

BALANCE, APRIL 1, 1950:		
Investments in bonds and stocks—at cost, and cash		$51,287.30
ADD:		
Profit on sale of securities	$ 1,135.28	
Transfer from General Fund—net	783.35	1,918.63
BALANCE, MARCH 31, 1951:		
Bonds and stocks, at cost	$ 43,205.93	
Cash on deposit	10,000.00	$53,205.93

RETIREMENT FUND

BALANCE, APRIL 1, 1950:	
Securities—at cost	$22,899.83
LESS — CONTRIBUTION TO EMPLOYEES' PENSION TRUST FOR PAST SERVICE BENEFITS	6,253.30
BALANCE, MARCH 31, 1951:	
Represented by securities—at cost	$16,646.53

ACCOUNTANTS' CERTIFICATE

National Probation and Parole Association:

We have made an examination of your accounts for the year ended March 31, 1951. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances; as to contributions and dues, it was not practicable to extend the examination beyond accounting for the receipts as recorded.

In our opinion, the accompanying statements set forth the cash receipts and disbursements of your General Fund and the changes in your Reserve and Retirement Funds for the year ended March 31, 1951, and the security investments of the Reserve and Retirement Funds at that date.

(Signed) HASKINS & SELLS

New York, May 16, 1951

TREASURER'S NOTES

1) There were no unpaid bills carried over on March 31, 1951.

2) The above statement divides the funds of the Association into the General Fund, which is our operating account, and the Reserve Fund. The latter has been built up from time to time by setting aside various sums from current receipts. The Board of Trustees has considered this fund essential to protect the Association in case of emergencies which might bring about a reduction in annual contributions. The Association has received from time to time certain legacies and also gifts of substantial amounts. While none of these legacies or gifts have been restricted as to their use in the work of the Association, it has seemed to the trustees that the Association would be carrying out the purpose of the donors in treating them as part of a special fund, of which the principal should not be used except in case of emergency. Therefore it was decided that such legacies and gifts might properly be looked upon as among the sources of the Reserve Fund, although such legacies and gifts have not been separately invested.

Minutes

Meeting of the Professional Council

Biloxi, Mississippi

October 24, 1951

THE meeting was called to order by the chairman, Richard A. Chappell. Sixteen members of the Council, representing sixteen states, were present. Guests included Judge George W. Smyth, president of the Association, members of the staff, and several others.

Will C. Turnbladh, secretary, presented the results of the questionnaire concerning future meetings of the Association and requested that the consensus of the Professional Council be established to assist the Board of Trustees in deciding among the several alternatives under consideration. Fifteen hundred questionnaires had been mailed out; 276 replies were received. Of the alternatives presented, the one proposing that the national conference each year be held in conjunction with one of the five regional meetings received the most favorable response.

Members and guests present, representing the five regions, were asked to express their opinions on the attitude of the several regional groups. Each speaker said that his regional group would have no objection to merging its conference with the national conference once every five years. It was pointed out that many persons are now unable to attend national conferences because of transportation expenses; under the new arrangement they would have the opportunity to attend such meetings more often. Since we would continue to sponsor probation and parole sessions at both the National Conference of Social Work and the Congress of Correction, in cooperation with other affiliated groups, the new arrangement would be an expansion rather than a contraction of our conference activity.

Considerable discussion ensued as to practical details. It was generally believed that joint planning with the regional groups should overcome any difficulties.

Following the discussion Mr. Oswald moved that the secretary inform the Board of Trustees of the Professional Council's recommendation that the annual conference of the Association be held in connection with a regional probation and parole meeting, alternating among the five regions. The motion was seconded and carried unanimously.

The secretary reported on the prospective study of probation services in lower courts and of local parole in defense areas, which has been presented to the United Defense Fund for a grant of $25,000. The secretary predicted that the project would be approved for substantially the amount requested. It was recommended that a committee of the Professional Council be appointed to work with a committee of the Judicial Council in connection with the study. Edward Crawley's motion that a committee be so appointed was seconded and carried. Mr. Crawley was appointed chairman of the committee and was authorized to appoint four other members.

The report of the nominating committee was presented by J. Carrell Larmore, chairman. It proposed the following slate of candidates for the coming year: Harvey L. Long, chairman; John M. Zuck, Leon T. Stern, and Edwin B. Zeigler, vice chairmen. A motion to accept the report was carried unanimously.

WILL C. TURNBLADH
Secretary

Minutes

Meeting of the Advisory Council on Parole

Biloxi, Mississippi

October 24, 1951

THE annual meeting of the Advisory Council on Parole was attended by the following members: Francis R. Bridges, Jr., chairman, Florida; Charles P. Chew, Virginia; G. I. Giardini, Pennsylvania; Gordon S. Jaeck, Minnesota; Harvey L. Long, Illinois; H. M. Randall, Oregon; L. B. Stephens, Alabama.

Present also were Will C. Turnbladh, executive director, and Randolph E. Wise, director of parole, of the National Probation and Parole Association.

Members of the council not present were Donald W. Bunker, Missouri, and Fred Finsley, California.

On the motion of Mr. Long it was voted that members serve for fixed terms, three for one year, three for two years and three for three years. Terms were then selected by lot, Mr. Turnbladh drawing for the absent members. The results were: Mr. Bunker, Mr. Long, and Mr. Stephens, one year; Mr. Chew, Mr. Giardini, and Mr. Jaeck, two years; and Mr. Bridges, Mr. Finsley, and Mr. Randall, three years. These terms are to become effective as of January 1, 1952.

The informal parole sessions as arranged at this year's Congress of Correction were rated highly successful and it was urged that they be continued. This opinion was based on observations of members and the comments of others attending the sessions. The members were cognizant of the problems arising from concurrent probation and parole meetings and agreed that effort should be made to avoid such conflict in planning for next year's conference. As a possible solution it was suggested that the emphasis of two sessions be on probation and the remaining two sessions on parole.

Pursuant to a request from the floor in one session, the council agreed to initiate a plan for a standardized statistical reporting form. Although it was recognized that such a form could hardly include all the items now reported by the several jurisdictions, it was felt that if it could serve as the basis for uniformity of statistics so far as violations are concerned, it will have served a worth-while purpose. Accordingly, upon the motion of Mr. Chew it was agreed that the director of parole prepare a sample form to be distributed for comment. The form would then be submitted to selected jurisdictions to be tried for one year. It could then be refined and sent to all departments so that uniformity of statistical reporting could be attained.

Mr. Turnbladh brought to the attention of the council the request of Walter Dunbar, representing the Committee on Personnel Standards and Training of the American Prison Association, that the NPPA advise the committee as to who should assume the responsibility of developing a manual on in-service training standards for probation and parole officers. The committee was formed at the Congress of Correction in Milwaukee in 1949 and its first project was the development of a manual on in-service training standards for prison and custodial officers, which was reported on at this year's congress. It contemplates developing manuals for personnel engaged in other phases of correctional work, and the chairman, Richard A. McGee, through Mr. Dunbar, asked if the manual for probation and parole personnel should be worked out by the committee or by the NPPA.

After considerable discussion the council members decided that such a manual should be developed by the Association. To accomplish this it was agreed that the chairmen of the Professional Council and the Advisory Council on Parole designate certain members from each council to assume this part of the assignment for the Committee on Personnel Standards and Training.

Apropos of a suggestion reported by Mr. Bridges

that a conference session be devoted to conditions of parole, and of a request from the floor, a summary of the conditions of parole in each state will be distributed to parole administrators throughout the country. Much of this information is presently available in the files of the NPPA.

By unanimous action Mr. Bridges was reelected council chairman. It was agreed that the next meeting of the council will be held in New York on the evening preceding the midwinter meeting of the board of directors of the American Prison Association.

RANDOLPH E. WISE,
Director of Parole, NPPA

Minutes, Annual Business Meeting

National Probation and Parole Association

Biloxi, Mississippi

October 23, 1951

IN accordance with the plan that business meetings of the Association alternate between the spring and fall conferences, the meeting in Biloxi, Mississippi, was held concurrently with the Congress of Correction. Judge George W. Smyth as chairman referred to the notable additions recently made to the Board of Trustees and commented on the action taken by that body in tangible recognition of the high quality of leadership of the executive director. He referred also to the board committee on development of the Association to be appointed by the president.

Reading a list of the formal studies completed during the past year, the executive director commented on the work and services of the organization. He pointed out the trend toward use of the consultation services of the field staff as distinguished from the more intensive survey project. He spoke of the interest and support of the president and the Board of Trustees.

He referred to the proposals made by the John Price Jones Company, specialists in fund-raising, following their study of the needs of the organization; to the quarter million dollar NPPA budget; to the help given in Association planning and operation by the parole council and the professional council.

Following discussion of the geographical distribution of trustee residence and additional member prospects, the nominating committee, consisting of Joseph H. Hagan, chairman, Rhode Island; Russell Oswald, Wisconsin; Harold Randall, Oregon; L. B. Stephens, Alabama; and Sam Davis, Texas, nominated the following members of the board to a three year term: Sanford

Bates, Charles L. Chute, Judge Edwin L. Garvin, Christopher G. Janus, Herbert W. Kochs, Karl Holton, Dean Kenneth D. Johnson, Alexander M. Lewyt, Dr. Frank J. O'Brien, Robert P. Patterson, and Judge George W. Smyth; to a two year term: William J. Donovan, Curtiss E. Frank, and Sigurd S. Larmon; and to a one year term: Francis R. Bridges, Jr., Judge J. Vincent Keogh, and Thomas L. Parkinson. All were elected unanimously.

The executive director also described the plan for a Judicial Council of outstanding jurists in the criminal and domestic relations courts to evaluate, improve, and extend the courts' socio-legal functions. He asked suggestions for membership on this council.

WILL C. TURNBLADH
Executive Director

Officers, Board of Trustees, Staff, Advisory Council on Parole, Western Advisory Council, Midwestern Advisory Council, Professional Council

March 15, 1952

NATIONAL PROBATION AND PAROLE ASSOCIATION

Organized 1907, *Incorporated* 1921

1790 BROADWAY, NEW YORK 19

Western Office	821 Market St., San Francisco 3
Midwestern Office	189 West Madison St., Chicago 2
Southern Office	727 Littlefield Bldg., Austin, Texas

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[1] Deceased April 10, 1952

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Utah	JOHN FARR LARSON
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JOHN OTTO REINEMANN

By-Laws

NATIONAL PROBATION AND PAROLE ASSOCIATION

Adopted May 31, 1919. Amended April 14, 1920; June 21, 1921; June 22, 1922; June 9, 1929; May 14, 1932; May 22, 1937; May 9, 1942; October 24, 1947; April 17, 1948; April 27, 1950

ARTICLE I NAME

The corporate name of this organization shall be the National Probation and Parole Association.

ARTICLE II OBJECTIVES

The objectives of this Association are:

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigations and research;

To extend and develop probation and parole systems by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and humane treatment of delinquency and its prevention.

ARTICLE III MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Trustees and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, and organization members. Active members shall be those who pay dues of $3 a year as a minimum, provided that those who do not desire the Yearbook shall pay $2 a year as a minimum; except that when arrangements are made for the affiliation of all the members of a

state or local association of probation or parole officers, paying joint dues in the local and national associations, the Board of Trustees may authorize a reduction of dues for active membership. Contributing members shall be those who contribute $10 or more annually to the Association. Supporting members shall be those who contribute $25 or more annually to the Association. Sustaining members shall be those who contribute $100 or more annually to the Association. Patrons shall be those who contribute during a single calendar year $1000 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute $25 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the treasurer or executive director shall thereupon cease to be members.

ARTICLE IV OFFICERS

The officers of the Association shall consist of a president, one or more vice presidents, and a treasurer, who shall be elected annually by the Board of Trustees and shall serve until their successors are elected, and an executive director who shall be elected by said board to serve during its pleasure. The board also in its discretion may elect honorary officers who shall serve for such terms as the board shall determine.

ARTICLE V DUTIES OF OFFICERS

The president, or in his absence a vice president, shall act as chairman at all business meetings of the Association. The treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Trustees. The executive director shall be the chief executive officer of the Association. He shall be paid such compensation as may be determined by the board.

ARTICLE VI OTHER EMPLOYEES

Other members of the executive staff and clerical assistants shall be appointed in such manner and for such terms and compensation as may be determined from time to time by the Board of Trustees.

ARTICLE VII BOARD OF TRUSTEES

The Board of Trustees shall consist of not less than thirty nor more than sixty members as the board shall determine from time to time, to be elected by the members of the Association at its annual meeting. At each annual meeting trustees shall be elected in number and for terms of three years or less as determined by the Board of Trustees, so that one-third of the terms of trustees shall expire each year. The board may fill any vacancy occurring among the officers or members of the Board of Trustees for the unexpired term, except that in the case of a vacancy occurring through increasing the number of trustees, the appointment shall be until the next annual meeting of the Association. The board shall elect a chairman annually. He shall preside at the meetings of the board and shall be ex officio a member of all committees of the board.

ARTICLE VIII DUTIES OF TRUSTEES

The Board of Trustees shall elect the officers, shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

ARTICLE IX COMMITTEES

There shall be an Executive Committee elected annually by the Board of Trustees. The number of members of the committee and the number required to constitute a quorum shall be determined by the Board of Trustees. The committee shall elect its chairman annually. It shall have the power and perform the duties of the Board of Trustees between the meetings of the board.

There shall be a Professional Council of the Association to consist of representatives of probation and parole services from the various sections of the country. The council shall consist of thirty or more members who shall be appointed by the president in such manner that the terms of one-third of the members shall expire on December thirty-first of each year. Members shall serve for terms of three years and until their successors are appointed. A vacancy may be filled by the president at any time for the

unexpired term. The council shall elect its officers at its annual meeting to be held as determined by the council. The council shall make recommendations to the Board of Trustees with regard to all matters concerning the professional work of the Association.

A nominating committee consisting of five members of the Association shall be appointed by the president each year to nominate candidates for membership on the Board of Trustees.

Such other standing and special committees as may be authorized by the Association or the Board of Trustees shall be appointed by the president, unless otherwise directed by the Association or by the board.

ARTICLE X MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day and at such place as may be determined by the trustees. Special meetings may be held as determined by the trustees. Ten members shall constitute a quorum. Meetings of the Board of Trustees shall be held at such times and places as the board may determine. One-third of the members shall constitute a quorum of the board.

ARTICLE XI AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Trustees.

Program

National Probation and Parole Association

THE Association is the only national agency exclusively engaged in the effort to extend and improve probation and parole service, juvenile and other specialized courts for effective dealing with child and family problems. It is concerned with the coordination of probation, parole and institutional work, and interested in all measures for constructive social treatment and the prevention of crime.

The Association has:

1) a nationwide membership of probation and parole workers, judges and citizens interested in the successful application of basic principles of the social treatment of crime and delinquency;

2) an active continuing board of trustees made up of prominent judges, probation and parole executives, and representative citizens;

3) an experienced staff which carries on its program.

In its working program the Association:

1) conducts city and statewide surveys of courts, probation and parole departments; prepares reports; organizes and cooperates with local committees and agencies to maintain and develop effective probation, parole and social court organization;

2) drafts laws to extend and improve probation, parole and juvenile courts, and assists in securing the enactment of these laws;

3) aids judges and probation and parole executives in securing competent officers, and assists officers and other qualified persons in obtaining placements;

4) promotes state supervision of probation and parole, and cooperates with state departments and associations;

5) conducts national conferences and assists with special conferences and institutes for training workers;

6) carries on a research program for the study of practical problems in this field;

7) serves as a clearinghouse for information and literature on probation, parole, juvenile courts, domestic relations courts, and crime prevention, for the entire country;

8) publishes a bimonthly magazine with informative articles; the *Yearbook,* with addresses and reports of the annual conferences; a *Directory of Probation and Parole Officers in the United States and Canada;* summaries of juvenile court, probation and parole legislation; case record forms; reports of surveys and studies; and practical leaflets and pamphlets.

Membership in the Association is open to everyone. Each member receives the bimonthly magazine Focus, and the Yearbook upon request.

Membership categories: active, $3 with the Yearbook (with the Yearbook in cloth binding, $3.50), $2 without the Yearbook; contributing, $10; supporting, $25; sustaining, $100; patron, $1000 or over.

The Association is supported entirely by membership dues and voluntary contributions. Gifts are urgently needed to meet the growing needs of the work and the many requests for assistance from courts and communities all over the country. Contributions to the Association are deductible from income tax returns.

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